The American Political Science Review

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Articles and Essays by Andrew T. Cowart, Tore Hansen and Karl-Erik Brofoss, Claude S. Fischer, George McT. Kahin, H. Bradford Westerfield, Stanley Lebergott, Seymour Mandelbaum

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Representative Bureaucracy

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Justice: A Spectrum of Responses to John Rawls's Theory

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Kenneth Prewitt and Sidney Verba

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Vol. LXIX June 1975 No. 2

CONTENTS

481 Party Identification and the Floating Vote: Some Dynamics Douglas Dobson and Douglas St. Angelo

491 Voting Behavior on the U. S. Courts of Appeals Revisited Sheldon Goldman

507 Development Policy and the Possibility of a "Livable" Future for Latin America Robert L. Ayres

526 Representative Bureaucracy: An Empirical Analysis Kenneth John Meier

543 Budgetary Strategies and Success at Multiple Decision Levels in the Norwegian Urban Setting Andrew T. Cowart, Tore Hansen, and Karl-Erik Brofoss

559 The City and Political Psychology Claude S. Fischer

572 Communications

585 Editorial Comment

588 Book Reviews and Essays

588 Justice: A Spectrum of Responses to John Rawls's Theory

588 Rawls's Theory of Justice John W. Chapman

594 Can the Maximin Principle Serve as a Basis for Morality? John C. Harsanyi

607 Justice as Fairness: For Groups? Vernon Van Dyke

615 Justice and Rationality: Some Objections to the Central Argument in Rawls's Theory James Fishkin

630 Maximin Justice and an Alternative Principle of General Advantage Douglas Rae

648 Justice: John Rawls Vs. The Tradition of Political Philosophy Allan Bloom

663 Justifying Justice: Problems of Psychology, Measurement and Politics in Rawls Benjamin R. Barber

675 *The Pentagon Papers:* A Critical Evaluation George McT. Kahin

685 What Use Are Three Versions of the Pentagon Papers? H. Bradford Westerfield

697 *Time on the Cross:* Two Views Stanley Lebergott,

700 Seymour Mandelbaum

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ARTICLES

481 **Party Identification and the Floating Vote: Some Dynamics.** Several authors have now addressed themselves to the dynamics of party identification. The meaning of such dynamics has, however, been left in some doubt. In particular, it is unclear whether changes in party attachments are best described as completely random phenomena or as phenomena exhibiting patterned time variation. This paper argues that the answer to the question depends in part on the observable consequences of changes in partisan ties. The analysis utilizes SRC panel data to describe patterns of variation in party identification and to attempt to assess their consequences for our understanding of the floating vote.

By Douglas Dobson, Assistant Professor of Political Science, Northern Illinois University, and Douglas St. Angelo, Associate Professor of Political Science, Florida State University.

491 **Voting Behavior on the U.S. Courts of Appeals Revisited.** In an earlier study of voting behavior of U.S. appeals courts judges, attitudinal patterns were investigated along with an analysis of the relationship of judges' backgrounds to their decisions. In this revisit, the earlier findings were treated as hypotheses and tested with a new case population covering a subsequent and longer time period. In all, 2,115 cases decided nonunanimously were coded on one or more issues. Most cases could be classified under ten broad issue categories which were then utilized for most of the analyses. Although the research design was similar to that of the earlier study, a wider variety of methods was employed including nonparametric and parametric intercorrelations of voting behavior on the ten issues and stepwise multiple regression and partial correlation analyses of seven background variables and their relationships to voting behavior on the issues. The principal findings were similar to those found earlier but it was possible to map voting behavior with somewhat more precision and to uncover some unexpected relationships such as those concerning the potency of the age variable particularly for voting on political liberalism issues.

Sheldon Goldman, Professor of Political Science, University of Massachusetts, Amherst.

507 **Development Policy and the Possibility of a "Livable" Future for Latin America.** The legacy of problems associated with Latin American development policy in the postwar era necessitates the asking of some fundamental questions about the future of development in that region. Economic growth rates have been insufficient, and the employment and distributional problems have been worsening. This situation is in large measure attributable to specific policies pursued by Latin American governments, especially the array of policies included under the rubric of "import-substituting industrialization." Such policies are critically analyzed as a prelude to the discussion of a suggested reorientation of Latin American development policy. The goal of such a redirected, poverty-oriented development policy is the creation of "livable" (if not "developed") societies. The effort to fashion development policies aiming at "livability" entails, at the most general level, distributional and short-run emphases. But it also involves the need for major innovations in such diverse areas as technological, agricultural, regional, and educational development. Reorientations of international development lending would also be required. The economic problems of the livability approach are formidable, but recent findings indicate that poverty-oriented development strategies may be economically viable. The political problems are equally if not more formidable, and it is likely that their confrontation will involve new ways of thinking about "political development" and about the relationship of political regime types to economic development.

By Robert L. Ayres, Assistant Professor of Political Science, University of California, Berkeley.

526 **Representative Bureaucracy: An Empirical Analysis.** Past theories of representative bureaucracy have four weaknesses: they assume that traditional controls are ineffective without empirical evidence, rely on secondary variables, omit the effects of lifetime socialization, and do not consider the role of individual bureaus. Because of these weaknesses, a representative bureaucracy need not be a responsive bureaucracy. Although restricted by secondary analysis, this paper seeks to eliminate these failings and empirically demonstrate the unrepresentative nature of the United States federal bureaucracy. The representativeness of various grade classifications, special services, and bureaus is also measured; and the United States upper civil service is compared to that of five other nations. After an attempt to measure the values of bureaucrats, the future concerns of the theory of representative bureaucracy are outlined.

By Kenneth John Meier, Ph.D. Candidate in Political Science, Syracuse University.

543 **Budgetary Strategies and Success at Multiple Decision Levels in the Norwegian Urban Setting.** The purpose of this article is to test a series of propositions about budgetary decision making, in the form of linear decision models, for the municipal government of Oslo, Norway, and to assess the consequences of such

strategic choices for the long-term growth of agency activities. Budgetary decisions for forty-seven agencies at each of the four principal decision-making levels over a nineteen-year period serve as the basis for analysis. Results indicate that while the complexity of strategic choice is not related to long-term agency growth, the acquisitiveness of the agency strategy is an important determinant of growth. Intermediate budgetary reviewers are only partially successful in reducing the relationship between acquisitiveness and growth. Reference to a set of systematic interview materials in these same agencies, relevant to the cognitive assumptions of the models, suggests some reservations about model validity, at least in a minority of cases.

By Andrew T. Cowart, Assistant Professor of Political Science, University of Iowa; Tore Hansen, Research Associate in Political Science, University of Oslo, and Karl-Erik Brofoss, Research Associate in Political Science, University of Oslo.

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559 **The City and Political Psychology.** Alternative theories—"social mobilization" and "urban anomie"—predict different relationships between urbanism and political involvement, i.e., that urbanism stimulates, or that urbanism alienates individuals. (Dahl has predicted a curvilinear association.) This study examines these theories using the 1968 Michigan S.R.C. election survey. Three methodological tools are employed—formulating a causal model among political psychological variables, distinguishing size of polity from size of urban area, and using path analysis—to answer three questions: the effect of urbanism, the effect of polity size, and the effect of their interaction. Overall, the results show little independent association between the urban variables and involvement. Trends indicate that largeness may have slight mobilizing effects even though it also slightly reduces sense of political efficacy, and that the mobilization is a shift in involvement from local to national politics. A partial replication is obtained in the Almond and Verba data.

By Claude S. Fischer, Assistant Professor of Sociology, University of California, Berkeley.

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572 COMMUNICATIONS
From Lewis Anthony Dexter, Joel Kassiola, Stephen Salkever, Gerald M. Pomper, Philip Dawson, Duff Spafford, Ernest van den Haag, Jeffrie G. Murphy, David J. Schnall, Donald B. Johnson, Frederick C. Thayer, Larry B. Hill, Thomas O. Schlesinger, Konrad Ginther

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585 EDITORIAL COMMENT

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588 BOOK REVIEWS AND ESSAYS

588 **Rawls's Theory of Justice.** John Rawls's theory of justice is best understood as an attempt to adapt Rousseau's theory of the general will to the modern liberal democratic state. Central to the theory is a belief in the rationality of human nature and dynamics. In a well-ordered society men's natural sentiments will prove to be both unified and stable, and they will not permit morally arbitrary advantages to influence their social arrangements. Rawls's theory offers a rational accommodation of freedom and equality. His philosophical perspective opens him to the charge that his theory slights the historical dimension of human justice. His conception of human personality is somewhat ambiguous. There is incongruity between his ethical theory and the realities of democratic politics. Nevertheless, Rawls's formulation of the moral and political principles of liberalism is a major achievement and entirely worthy of his intellectual ancestry.

By John W. Chapman, Professor of Political Science, University of Pittsburgh.

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594 **Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls's Theory.** It is argued that Rawls does not offer a viable alternative to utilitarian morality. It is shown that the maximin principle would lead to absurd decisions. Thus, it is unfortunate that Rawls bases his theory on the assumption that the maximin principle would serve as decision rule in the original position. The present writer has shown (prior to Rawls's first paper on this subject) that we can obtain a highly satisfactory theory of morality, one in the utilitarian tradition, if we assume that in the original position expected-utility maximization would be used as a decision rule. Rawls's theory is unacceptable because it would force us to discriminate against the legitimate human needs of all individuals enjoying good fortune in any way—whether by being relatively well-to-do, or by being in reasonably good health, or by having good intellectual ability or artistic talent, etc.

By John C. Harsanyi, Professor of Economics and of Business Administration, University of California, Berkeley.

607 **Justice as Fairness: For Groups?** In *A Theory of Justice*, John Rawls assumes that the principles of justice are for individuals in a society, and in general he assumes that the society is an ethnically homogeneous state. He thus follows the tradition associated with the dominant form of the social contract theory, which focuses on the individual and the state. His assumptions neglect the fact that almost all states are ethnically plural or heterogeneous, and that many of them confer special status and rights on ethnic groups as collective entities; for example, many of them confer special status and rights on indigenous groups, on groups disadvantaged by prior discrimination, and on minorities and other groups conceded a right to survive as distinct cultural entities. Status and rights for groups necessarily mean differentiation among individuals depending on their membership; and this in turn means that a theory of justice that focuses on the individual and neglects the group both fails to account for existing practices and fails to give guidance where the practices are at issue.

By Vernon Van Dyke, Professor of Political Science, University of Iowa.

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615 **Justice and Rationality: Some Objections to the Central Argument in Rawls's Theory.** The argument is made that Rawls's proposed principles of justice would not rationally be chosen in his proposed version of the "original position." First of all, Rawls's own account of the information available in the original position provides no basis for the conclusions about "primary goods" which he believes would imply his proposed principles. Second, even if those conclusions about primary goods were to be accepted, they would not imply the proposed principles (the "general" and the "special" conceptions of justice) because the claims which Rawls cites in support of "maximin" actually imply a different conception. Lastly, an alternative version of the original position is suggested which would avoid these difficulties and which would, in addition, successfully support a maximin conception of justice. This is not meant, however, as a conclusive argument for maximin, but only as an indication that the objections advanced here do not apply to "social contract theory" as such, but only to the particular version of it which Rawls has proposed.

By James Fishkin, Lecturer in Political Science and the Institution for Social and Policy Studies, Yale University.

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630 **Maximin Justice and an Alternative Principle of General Advantage.** John Rawls's theory of justice tries to resolve the question of fair allocation: When, if ever, may some members of society claim rightful privilege over their fellows? Rawls's answer is maximin justice: inequalities are just if, by permitting them, society treats best those whom she treats worst. Rawls attempts to show that this rule binds us all under the terms of a social contract. The present paper tries to show that Rawls's theory will not stand scrutiny. The social contract, as he gives it, disfranchises all but a single social stratum: Why are others bound by it? The maximin principle, allegedly agreed to under this social contract, requires that we judge allocations by ignoring all but one of society's many strata. This leads in turn to arbitrary judgments including ones which at once increase inequality and decrease the total shared by society. An alternative argument is offered, beginning with a social contract requiring agreement on all inequalities among agents for a series of hypothetical social strata. This device is meant to bind all strata, and leads to a principle of general advantage: Inequalities are just if but only if they serve the advantage of some strata and the disadvantage of none. This seemingly paradoxical rule has a clear interpretation and avoids the main difficulties attributed to maximin justice. Like maximin, however, the new doctrine would evidently require a radical redistribution of income in a society like our own.

By Douglas Rae, Professor of Political Science, Yale University.

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648 **Justice: John Rawls Vs. The Tradition of Political Philosophy.** A critical review essay of *A Theory of Justice* by John Rawls, focusing on his attempt to ground radical egalitarian democracy on a social contract. Rawls tries to construct a new theory of justice with the help of the old state of nature theorists. The reviewer investigates whether this effort is successful and whether Rawls possesses an adequate understanding of the philosophers from whom he draws his inspiration.

By Allan Bloom, Professor of Political Science, University of Toronto.

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663 **Justifying Justice: Problems of Psychology, Measurement, and Politics in Rawls.** The intention of this essay is to raise certain questions about *A Theory of Justice* in Rawls's own terms—accepting his premises but examining his reasoning by his own stated criteria. I believe that such an examination will show that the abstract justificatory appeal to an "original position" is unsatisfactory in certain vital psychological and philosophical ways; that the Rawlsian analysis raises problems of comparison and measurement not adequately disposed of by the doctrine of justice as fairness and its corollary strategy of "maximin"; and that the appeal to congruence on which the latter part of Rawls's argument depends is founded on an inadequate political and historical sociology—which in turn creates further problems for the argument from

the original position. In sum, I wish to show that while Rawls has lit his candle at both ends, he has got neither end to burn.

By Benjamin R. Barber, Associate Professor of Political Science, Rutgers University.

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675 **The Pentagon Papers: A Critical Evaluation.** *The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam: The Senator Gravel Edition; United States-Vietnam Relations, 1945–1967: Study Prepared by the Department of Defense;* Neil Sheehan, Hedrick Smith, E. W. Kenworthy and Fox Butterfield, *The Pentagon Papers as Published by The New York Times.*

By George McT. Kahin, Professor of Government, Cornell University.

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685 **What Use Are Three Versions of the Pentagon Papers?** Neil Sheehan, Hedrick Smith, E. W. Kenworthy, and Fox Butterfield, *The Pentagon Papers as Published by the New York Times; The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam: The Senator Gravel Edition; United-States-Vietnam Relations, 1945–1967: Study Prepared by the Department of Defense.*

By H. Bradford Westerfield, Professor of Political Science, Yale University.

---

697 **Time on the Cross: Two Views.** Robert William Fogel and Stanley L. Engerman, *Time on the Cross: The Economics of American Negro Slavery* and *Time on the Cross: Evidence and Methods, a Supplement.*

By Stanley Lebergott, University Professor of Economics, Wesleyan University;
700 By Seymour Mandelbaum, Professor of City and Regional Planning, University of Pennsylvania.

---

702 **Political Theory, History of Political Thought and Methodology**
Randall Bartlett, *Economic Foundations of Political Power.* James M. Buchanan, p. 702
Maurice Natanson, ed., *Phenomenology and Social Reality: Essays in Memory of Alfred Schutz.* Guy E. Swanson, p. 703
Stanley Pierson, *Marxism and the Origins of British Socialism: The Struggle for a New Consciousness.* Fred Reid, p. 704
Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600–1860.* Frederick W. Turner, III, p. 705
J. J. C. Smart and Bernard Williams, *Utilitariansim: For and Against.* Alan Donagan, p. 706
Gustavo R. Velasco, *Labor Legislation from an Economic Point of View.* Bernard Samoff, p. 707

---

708 **American Government and Politics**
Robert F. Dalzell, Jr., *Daniel Webster and the Trial of American Nationalism, 1843–1852;* and Sydney Nathans, *Daniel Webster and Jacksonian Democracy.* Kenneth E. Shewmaker, p. 708
John Hutchinson, *The Imperfect Union: A History of Corruption in American Trade Unions.* James C. McBrearty, p. 709
Martin T. Katzman, *The Political Economy of Urban Schools.* Earl J. Reeves, p. 710
Edward O. Laumann, *Bonds of Pluralism: The Form and Substance of Urban Social Networks.* Andrew M. Greeley, p. 711
Martin E. Mantell, *Johnson, Grant, and the Politics of Reconstruction.* Phillip S. Paludan, p. 712
Ernest N. Paolino, *The Foundations of the American Empire: William Henry Seward and U.S. Foreign Policy.* Robert E. May, p. 713
Daniel S. Sanders, *The Impact of Reform Movements on Social Policy Change: The Case of Social Insurance.* Alfred J. Kahn, p. 714
Bernard Schwartz, *From Confederation to Nation: The American Constitution, 1835–1877.* Hans L. Trefousse, p. 714

---

715 **Comparative Government and Politics**
Henry S. Albinski, *Canadian and Australian Politics in Comparative Perspective.* Hugh G. Thorburn, p. 715
Aaron Antonovsky and Alan Arian, *Hopes and Fears of Israelis: Consensus in a New Society.* Ben Halpern, p. 716
H. C. Brookfield, *Colonialism, Development and Independence: The Case of the Melanesian Islands in the South Pacific.* R. J. May, p. 718
Jack Chen, *New Earth: The story of an early collective farm in East China's Chekiang Province in the 1949–56 period.* John F. Melby, p. 719

William F. Church, *Richelieu and Reason of State.* John B. Wolf, p. 719
Richard B. Day, *Leon Trotsky and the Politics of Economic Isolation.* Robert V. Daniels, p. 720
Shmuel Galai, *The Liberation Movement in Russia, 1900–1905.* Sheila Fitzpatrick, p. 721
Matthew P. Gallagher and Karl F. Spielmann, Jr., *Soviet Decision-Making for Defense: A Critique of U.S. Perspectives on the Arms Race.* John R. Thomas, p. 722
Albie Sachs, *Justice in South Africa.* Pierre L. van den Berghe, p. 724
Richard Simeon, *Federal-Provincial Diplomacy: The Making of Recent Policy in Canada.* W. L. White, p. 724
William Taubman, *Governing Soviet Cities: Bureaucratic Politics and Urban Development in the USSR.* Theodore H. Friedgut, p. 726
H. Yuan Tien, *China's Population–Struggle: Demographic Decisions of the People's Republic, 1949–1969.* J. B. R. Whitney, p. 727
Klemens von Klemperer, *Ignaz Seipel: Christian Statesman in a Time of Crisis.* John Dreijmanis, p. 728
David Wall, ed., *Chicago Essays in Economic Development.* John E. Brandl, p. 729

730 International Politics, Law and Organization
Carol Edler Baumann, *The Diplomatic Kidnappings: A Revolutionary Tactic of Urban Terrorism.* Bert B. Lockwood, Jr., p. 730
Bernard Brodie, *War and Politics.* Alastair Buchan, p. 731
Walter C. Clemens, *The Superpowers and Arms Control: From Cold War to Interdependence.* Ralph Sanders, p. 732
Wynfred Joshua, *Nuclear Weapons and the Atlantic Alliance.* Ronald L. Tammen, p. 733
Frank C. Langdon, *Japan's Foreign Policy.* John K. Emmerson, p. 733
Drew Middleton, *Retreat from Victory: A Critical Appraisal of American Foreign and Military Policy from 1920 to the 1970's.* F. S. Northedge, p. 735
Lisle A. Rose, *After Yalta.* Robert James Maddox, p. 735
Richard H. Ullman, *The Anglo-Soviet Accord.* Stephen R. Graubard, p. 736
Edward Weisband, *Turkish Foreign Policy, 1943–1945: Small State Diplomacy and Great Power Politics.* Joseph S. Szyliowicz, p. 737
Thomas W. Wilson, Jr., *International Environmental Action: A Global Survey.* Pauline K. Marstrand, p. 738

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Party Identification and the Floating Vote: Some Dynamics*

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The notion that voters develop attachments to political parties has a long history in political science. Eldersveld, for example, cites work dating back to the turn of the century which focuses on the " . . . problem of inconstancy in party affiliation."[1] Beginning more recently with the innovative work of the Survey Research Center in the late 1940s and developing simultaneously with the rise of survey techniques as a research tool, the concept of party identification has gained a central place in modern explanations of American voting behavior.[2]

Party identification, classic analyses have argued, is developed in early childhood and, barring major upheavals in the political and social order, tends to remain stable throughout the voter's lifespan. Moreover, these attachments to party have generally been shown to have major consequences for the way in which the individual responds to the political world. The authors of *The American Voter* make the point clearly: "Party has a profound influence across the full range of objects to which the individual responds. The strength of relationships between party identification and . . . partisan attitude(s) suggests that responses to each element of national politics are deeply affected by the individual's enduring party attachments."[3] This conceptualization of the role of party within the electorate has resulted in many creative and useful formulations of the American electoral process. Converse, for example, assuming that party attachments are the most enduring of all partisan attitudes, developed the concept of the "normal vote."[4] In doing so, he viewed electoral outcomes as resulting from the interplay between "long-term" and "short-term" forces. Thus fluctuations from the expected "normal" vote division, given the underlying distribution of party identification (the long-term component), were seen as resulting from the pull exerted by more labile partisan attitudes (short-term components). Moreover, the effectiveness of such short-term forces in producing actual vote defection was found to be inversely related to the strength of party attachments. Working on related problems, Campbell found that party identification was a highly useful concept in attempting to describe patterns of electoral surge and decline over time.[5] Further, he was able to develop a typology of presidential elections based on the relationship of electoral outcomes to the underlying distribution of party loyalties.[6] In an effort to confirm the importance of party attachments at the system level, Stokes used historical data to examine the probability of the occurrence of a deviating election, given various distributions of stable partisan attachments in the electorate.[7] His finding that the probability of a deviating election was quite low under the existing distribution of party loyalties led him to conclude that the import of party identification in determining electoral outcomes, even at the systemic level, is clear. Finally, in a comparative context, Campbell and Valen[8] have shown the utility of party identification for the explanation of electoral behavior in Norway, although Converse and Dupeux[9] were unable to replicate that finding in the French system.

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* The data utilized in this study were made available by the Inter-University Consortium for Political Research. Neither the original collectors of the data nor the consortium bear any responsibility for the analyses or interpretations presented here. We wish to thank our colleagues Duane A. Meeter and Kevin L. McKeough for their helpful comments on earlier drafts of this paper.

[1] Samuel J. Eldersveld, "The Independent Vote: Measurement, Characteristics, and Implications for Party Strategy," *American Political Science Review*, 46 (September, 1952), 732–753. Some of the earlier work includes A. Lawrence Lowell, "Oscillations in Politics," *Annals of the American Academy of Political Science*, 12 (July, 1898), 69–97; F. S. Chapin, "Variability of the Popular Vote at Presidential Elections," *American Journal of Sociology*, 18 (September, 1912), 222–240; W. F. Ogburn and Abe J. Jaffe, "Independent Voting in Presidential Elections," *American Journal of Sociology*, 42 (September, 1936), 186–201; and Harold F. Gosnell and Norman N. Gill, "An Analysis of the 1932 Presidential Vote in Chicago," *American Political Science Review*, 29 (December, 1935), 967–984.

[2] See, for example, Angus Campbell, Gerald Gurin and Warren E. Miller, *The Voter Decides* (Evanston: Row, Peterson and Company, 1952); Angus Campbell, Phillip E. Converse, Warren E. Miller, and Donald E. Stokes, *The American Voter* (New York: John Wiley and Sons, 1960); Angus Campbell, Phillip E. Converse, Warren E. Miller, and Donald E. Stokes, *Elections and the Political Order* (New York: John Wiley and Sons, 1966).

[3] Campbell et al., *The American Voter*, p. 128.

[4] Campbell et al., *Elections and the Political Order*, chap. 2.

[5] *Ibid.*, chap. 3.

[6] *Ibid.*, chap. 4.

[7] *Ibid.*, chap. 7.

[8] *Ibid.*, chap. 13.

[9] *Ibid.*, chap. 14.

Party identification, then, has been viewed as a central organizing force in the individual's political life. In the absence of other political information and attitudes, it is to party cues that the voter responds. And indeed, a central thrust of *The American Voter* was that for much of the electorate, other informational and attitudinal cues were, more often than not, absent.[10]

Recently, however, several authors, recognizing the dynamic elements of party identification, have suggested that one should carefully avoid simplistic views of partisan identification. Examining the relationship between information flow and partisan stability, Converse, for example, found that the stability of party attachments varied directly with the strength of political involvement.

> Not only is it true that less involved people recall their prior votes with greater distortion, but they are relatively labile in their responses to items concerning their current partisan identification. If we look at the turnover tables on measures of party identification drawn from the same respondents after a two-year interval, subdivided by thirds on political involvement, we find that despite no significant changes in the marginals, the correlation (Pearson product-moment) for the most involved third is over .9, is over .8 for those only moderately involved, and is in the .7 range for the weakly involved.[11]

If the logic of Pearsonian correlation is appropriate in this situation, we can carry it one step further. Simply put, Converse's analysis suggests that in a two-year interval, almost 20 per cent of the variation in current partisan affiliation for the most involved third of the population remains unexplained by previous partisan affiliation. For the middle third, about 35 per cent of the variation remains unexplained, and for the lowest third, the figure reaches a rather impressive 50 per cent.

Drawing on Converse's earlier work concerning instability of issue attitudes,[12] Dreyer suggested that changes in partisan affiliation could adequately be described by a "black and white" model. This model posits "a population portioned into two groups: a hard core group whose identifications are perfectly stable over time, and another group whose loyalties are statistically random."[13] Analyzing 1956–58, 1958–60 and pre-post 1960 turnover tables, Dreyer concludes that "By and large, the only change that occurred over this period was random change."[14]

In contrast to Dreyer's work, Dobson and Meeter attempted to describe change in partisan attachments as a Markovian process.[15] They posited three alternative models and tested each against the party attachment data in the SRC panel study. Their results suggested that the full sample was most adequately described by a Markov model in which both diagonal and off-diagonal transition probabilities varied as a function of discrete time. Certain sub-samples, however—those with "high" and "low" electoral interest—were adequately described by a first order Markov model with stationary transition probabilities.

The distinction between the work of Dreyer on one hand and Dobson and Meeter on the other is crucial for our understanding of the dynamic processes underlying partisan attachments. If Dreyer's interpretation of the data are correct, then there is no possibility for "true" change in the sense of adjusting one's party affiliation in the light of current perceptions of the political world. If Dobson and Meeter are correct in their finding of significant time variation in the data, however, the possibility is open for meaningful patterns of change over time.

We rather suspect that there are elements of truth in both of these formulations of the dynamics of partisan affiliation. It is not difficult to visualize an electorate in which some individuals hold steadfastly to the party of their heritage, while others change affiliation in meaningful ways and still others vary randomly. The resolution of the question depends partly, we would argue, on the extent to which variation in party identification is related to variation in other political attitudes and behaviors. Indeed, if variation in party attachment was not related to other politically relevant attitudes or behaviors, strong presumptive evidence would exist for a random interpretation of the phenomenon.

One of the more obvious and interesting ways to explore such a possibility relates to the "floating-voter hypothesis." This well-known hypothesis suggests that the ebbs and flows of the American electoral system are largely determined by shifting voters " . . . whose information about politics is relatively impoverished."[16] Thus, " . . . in any given shift between two elections, the hypothesis argues that the less involved and less informed voters are disproportionately represented."[17] Examining the SRC panel data, Converse found

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[10] Campbell et al., *The American Voter,* chap. 8.

[11] Campbell et al., *Elections and the Political Order,* p. 141.

[12] Phillip E. Converse, "The Nature of Belief Systems in Mass Publics," in *Ideology and Discontent,* ed. David E. Apter (New York: The Free Press, 1964), pp. 206–261.

[13] Edward C. Dreyer, "Change and Stability in Party Identifications," *Journal of Politics,* 35 (August, 1973), 712–722.

[14] *Ibid.*

[15] Douglas Dobson and Duane A. Meeter, "Alternative Markov Models for Describing Change in Party Identification," *American Journal of Political Science,* 18 (August, 1974), 487–500.

[16] Campbell et al., *Elections and the Political Order,* p. 137.

[17] *Ibid.*

rather clear support for the standard
ng-voter hypothesis,"[18] and he went on to
st a refinement in the "inter-election" float-
oter hypothesis. He argued, in effect, that
tion is simultaneously a function of both
d and new information about politics. The
ıbility of defection then varies directly as a
ıon of new information and inversely as a
ıon of stored information. In his words,

> ıe very uninvolved voters, who we have come to
> t will tend to "float" politically, . . . show a high
> ɔtibility to short-term change in partisan attitudes
> *led that any new information reaches them at all.*
> e other hand, . . . these are the individuals who
> *ost* likely to experience no new information in-
> and hence are the individuals least likely to show
> es in patterns of behavior.[19]

erse was able to find rather clear support for
nodified hypothesis. In particular, he found
ep-change" in the stability of partisan atti-
as a function of new information intake.
ıstent with his hypothesis, those with no new
mation evidenced relatively high stability be-
ı vote intention and vote choice and party
ification and vote choice. Beyond this very
evel of new information, vote/vote stability
party identification/vote stability each in-
ed as a linear function of information
sure.

ɔre recently, however, Dreyer has cast some
t on Converse's modification of the floating-
hypothesis.[20] His analysis of both pooled
ndividual election data covering the period
1952 through 1968 failed to replicate con-
tly Converse's finding of a step change be-
ı the no information and low information
ɔs. Indeed, Dreyer's party identification/vote
ity correlations directly refute Converse's
r findings: " . . . in none of the five presi-
al data sets—including the 1952 data—does
lication of Converse's stated procedure pro-
a curvilinear trend in the rank-order correla-
between . . . [party identification and vote].
l cases, the relationships between the vote
partisan affiliation . . . result in a linear
."[21] Thus, Dreyer concludes that "if any-
, the data presented in this paper suggest that
aditional floating voter hypothesis applies to
the inter- and intra-election situation."[22]
major difficulty with both of these efforts to
with the problem of the floating voter is that they conceive of party identification as a constant baseline around which vote defection can be measured. In Converse's terms, " . . . our general argument would predict that the magnitude of the correlation between party identification and actual vote for any election, being an index of gross amount of defection from party, should vary within the population as a direct function of political comprehension or involvement."[23] This view is echoed by Dreyer when he asserts that "any particular election takes place within the over-all stability of party identification."[24] If these assertions refer to the aggregate stability of the marginal distributions of party identification over time, then they are certainly correct. One suspects, however, that the inference often made is to the individual elector. It seems clear, for example, that Converse's "index of gross defection" is simply a summation of individual defections from a party baseline in a given electoral year. Given the clear variation in party attachments over time suggested by recent work, it becomes important to understand the implications of such variation on the floating vote and the "meaning" of variation in party attachments.

Our purpose in this paper is thus twofold. First, we will offer some rather brief descriptive comments relative to the patterns, frequency and magnitude of changes in partisan identification. Second, we will attempt to provide some insight into the implications of party change for an understanding of the floating vote. The analysis utilizes panel data collected by the Survey Research Center in 1956, 1958, and 1960.[25]

Findings

Patterns of Stability and Change: An Overview. In order to facilitate description of the data on change of party identification, we have defined three categories that seem heuristically useful. In particular, we have examined the extent to which individuals either remained *stable* or, alternatively, made *intraparty* or *interparty* changes in

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ampbell et al., *Elections and the Political Order,*
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ıid., p. 144 (italics in the original).

dward C. Dreyer, "Media Use and Electoral
es: Some Consequences of Information Expo-
Public Opinion Quarterly, 35 (Winter, 1971–
44–553.

id., p. 550.

ıid., p. 553.

[23] Campbell et al., *Elections and the Political Order,* p. 141.

[24] Dreyer, "Media Use and Electoral Choices," p. 545.

[25] The data to be used in this paper are from a panel study conducted by the Survey Research Center at the University of Michigan during the presidential elections of 1956 and 1960, and the congressional election of 1958. A national probability sample of 1762 respondents was taken in 1956. Respondents were reinterviewed in 1958 and again in 1960. The effort yielded 1514 usable cases over the four-year time span, with a weighted *N* of 1966. For purposes of the analysis to be performed here, respondents who were not interviewed at all three points in time were excluded, resulting in a weighted *N* of 1256.

For technical documentation on SRC sampling techniques, see: Leslie Kish and Irene Hess, *The Survey Research Center's National Sample of Dwellings* (Ann Arbor, Michigan: Institute for Social Research, 1965).

Table 1. Stability and Change of Party Identification: 1956, 1958 and 1960

(N = 1186)

	1956–1958	1958–1960	1956–1958–1960
Sample percentages who:			
Remained Stable	54.6%	58.3%	37.6%
Made Inter-Party Moves	6.7	5.1	9.8[a]
Made Intra-Party Moves	38.7	36.6	52.6[a]
Total	100.0	100.0	100.0

[a] Includes respondents who changed twice.

their partisan attachments during the period from 1956 through 1960.[26] An overview of these figures is provided in Table 1. Looking first at stability, one can see that in each of the two-year periods, 1956 to 1958 and 1958 to 1960, only slightly more than half of the sample actually remained stable. Over the entire four-year period only about one respondent in three maintained his 1956 position in both 1958 and 1960.

Of the two possible patterns of change, as might be expected, the frequency of interparty change was much lower than the frequency of intraparty change. Between 1956 and 1958, however, and again between 1958 and 1960, about one out of every twenty respondents did actually shift from one party to the other. Even more striking, the frequency of interparty change almost doubled when the full four-year period was considered. Between the two presidential elections, almost one out of every ten people shifted party identification at least once. This figure is still more impressive if one recalls that, based on 1960 census figures, this ten per cent crossing of party lines between 1956 and 1960 represents the behavior of some 10 to 11 million American adults.

As we suggested, the magnitude of intraparty changes was even higher. In both of the two-year periods, more than one out of every three respondents made some kind of change in the intensity of their party attachment without actu crossing party lines. When the entire four-y period was examined, the frequency of s changes increased to include more than half the total sample.

Patterns of Stability and Change: 1956–1958. distributions shown in Table 1 can be unc stood more clearly by examining the conditio distribution of party identification for each of two-year and the entire four-year periods. 1956–1958 results are presented in Table 2.

These data suggest several points. The fi once again pertains to the question of stabil Among partisans, stability was apparently rectly related to the intensity of one's pa attachment. In both parties, strong identifi were more likely to have remained stable tl weak or independent identifiers. Pure Indep dents, however, seem to fall into a category themselves. While they were not as stable as weak partisans of either party, they were s stantially more stable than the independent pa sans. Upon reflection, these are the findings t would probably be expected. For partisans, intensity of an attitude toward the party seems be directly related to the resistance of the attitu to change. (As will be noted below, however, t finding seems to vary as a function of time.) though we do not have corresponding measu of the intensity of attachment to the pure In pendent label, it is not unlikely that a sim process is operative.[27]

A second dimension of stability shown in t table is somewhat more surprising. During period from 1956 to 1958, Republicans of all lev of intensity (with the possible exception of we partisans) were less stable than their Democra counterparts. It is interesting to speculate t these are the kinds of results one might expec party identification were responding to so short-term forces in the political world. Indeed one entertained the hypothesis that party atta ments responded to, as well as shaped, perc tions of external political events, one should pect that attachments to the Republican pa would have declined in both number and intens during the interim between the Republican lar slide of 1956 and the Democratic sweep of Co gress in 1958. Democrats, on the other har might have been expected either to have retair

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[26] Throughout this analysis, unless otherwise noted, a seven-point measure of party identification has been used. The categories are: Strong Democrat, Weak Democrat, Independent Democrat, Independent, Independent Republican, Weak Republican, Strong Republican. Interparty change is defined as moving from one of the first three positions named to one of the last three named or vice versa. Stability is defined as failure to change categories in the period stated. Finally, intraparty change is defined by one of three conditions: (1) moving from any partisan position to any other partisan position while remaining within the same party; (2) moving to Independent; or (3) moving from Independent to a partisan position.

[27] Converse's examination of mass belief syste seems pertinent here. In that work, he finds that ma of those at the highest levels of ideological sophisti tion identify themselves as Independents. If the c cept of political independence was integrated into su highly organized belief systems, relatively high ra of stability should be expected. For a discussion the point, see Converse, "Belief Systems in M Publics," pp. 227–229.

Table 2. Stability and Change of Party Identification: 1956–1958 (Percentages)

1956 Identification	Pattern of Movement Between 1956 and 1958						
	Stable	Intra-Party	(Toward Party)	(Away From Party)	Inter-Party	Total	(*N*)
Strong Democrat	77.7	20.3	(—)	(20.3)	2.0	100.0	(251)
Weak Democrat	55.8	41.6	(33.6)	(8.0)	2.6	100.0	(274)
Independent Democrat	35.7	57.1	(50.0)	(7.1)	7.2	100.0	(84)
Independent	40.7	59.7	(33.0)[a]	(26.7)[b]	—	100.0	(109)
Independent Republican	22.4	53.3	(35.5)	(17.8)	24.2	100.0	(107)
Weak Republican	55.4	31.8	(18.1)	(13.0)	13.5	100.0	(177)
Strong Republican	56.5	36.9	(—)	(36.9)	6.6	100.0	(184)

[a] Moved toward the Democratic Party.
[b] Moved toward the Republican Party.

their identifications or, alternatively, to have increased the intensity of their attachments to the party.

Looking at the pattern of interparty changes shown in Table 2 adds some weight to this interpretation of the data. As may be seen, 6.6 per cent of the strong Republicans shifted to some position within the Democratic party, while only 2 per cent of the strong Democrats moved into the Republican columns. Since it has been noted that stability appears to be a function of strength of attachment, one might expect such patterns to be amplified at lower levels of intensity. Indeed, they are. More than 13 per cent of the weak Republicans and more than 24 per cent of the independent Republicans moved into the Democratic columns, while only 2.6 per cent and 7.2 per cent of their respective Democratic counterparts moved to the Republican side.

It was suggested in Table 1 that most of the changes in party attachments were the result of intraparty rather than interparty moves. That pattern is demonstrated again in Table 2. Moreover, the frequency of such moves appears to be inversely related to the strength of party attachment. But the data are more interesting if we think of moves in a directional sense. Thus one may move toward the party (i.e., toward the "strong" position) or away from the party (i.e., toward the "independent" position). Reading the data in this fashion lends still more weight to the interpretation suggested above. Looking first at the independent partisans, only about 7 per cent of independent Democrats moved away from the party, while almost 18 per cent of independent Republicans did so. Among weak partisans, only 8 per cent of the weak Democrats moved away, while 13 per cent of weak Republicans did so. Finally, about 37 per cent of the strong Republicans moved away from their party, as did only about 20 per cent of the strong Democrats. Along the other dimension of intraparty shift (moving *toward* the party) one finds consistent results. One-third of the weak Democrats moved toward their party, as did fully half of the independent Democrats. The comparable figures for Republicans—18.1 per cent and 35.5 per cent, respectively—are, as expected, much lower. Independents who moved fit the pattern rather nicely, with 33 per cent going to the Democratic side and 26.7 per cent to the Republican.

These data, then, are consistent with a conceptualization of party identifications which suggests that they may well be responsive to the external realities of the political world. Certainly, the elements of stability in these data are clear, but even they are patterned elements which may well respond to the occurrence of external political events over time.

Patterns of Changes: 1958–1960. The examination of changes in party attachments during the period from 1958 to 1960, shown in Table 3, produces much the same gross patterns as those noted above. There are, however, interesting differences. To begin with, the parties were much less divergent in respect to the frequency of stability than was true in the 1956–1958 period. In fact, only about a percentage point separated the strong partisans of the two parties during this period, and there was only about a four per cent spread between the independent partisans. Additionally, the Independents showed an increased level of stability.

Second, the patterns of interparty change exhibited some rather distinct differences. Whereas the Republicans had generally changed parties with higher frequency than Democrats in the 1956 to 1958 period, the observations between 1958 and 1960 found them changing parties either at frequencies lower than their Democratic counterparts (in the case of weak Republicans) or only slightly higher than their Democratic counterparts (in the case of independent and strong Republi-

Table 3. Stability and Change of Party Identification: 1958–1960 (Percentages)

1958 Party Identification	Pattern of Movement Between 1958 and 1960 Stable	Intra-Party	(Toward Party)	(Away From Party)	Inter-Party	Total	(*N*)
Strong Democrat	68.4	30.3	(—)	(30.3)	1.2	100.0	(310)
Weak Democrat	58.5	34.7	(21.5)	(13.2)	6.9	100.0	(289)
Independent Democrat	36.4	50.7	(36.4)	(14.3)	13.0	100.0	(77)
Independent	57.3	42.7	(20.2)[a]	(22.5)[b]	—	100.0	(89)
Independent Republican	32.8	52.2	(37.3)	(14.9)	15.0	100.0	(67)
Weak Republican	51.5	44.0	(27.0)	(17.0)	4.5	100.0	(200)
Strong Republican	69.5	27.8	(—)	(27.8)	2.4	100.0	(154)

[a] Moved toward the Democratic Party.
[b] Moved toward the Republican Party.

cans). Moreover, the overall frequency of Republican moves to the Democratic columns decreased relative to 1956–1958, while the frequency of Democratic moves to the Republican columns increased.

A third interesting set of differences between Tables 2 and 3 is found by examination of the direction of intraparty moves. First, it should be noted that Democrats moved away from the party at much higher rates in the 1958–1960 period than they had in the preceding two years. Republicans, on the other hand (again, with the possible exception of weak Republicans), showed a decrease in the frequency of moving away from their party. As one might expect, there was a corresponding decrease in the frequency of Democratic moves toward their party and an increase in Republican moves toward their party. Independents split evenly between the two parties.

At least one interpretation of these data (and, in lieu of further analysis there certainly may be many) suggests a "returning home" of many 1956 Republicans who had moved to the Democratic party in response to the forces generating 1958 Democratic congressional victories. Additionally, one might suspect that increased rates of Democratic defections reflected responses to a Catholic presidential nominee by the Democratic party in 1960.

Whatever explanations are gained from further research, a central point clearly made by these data is that stability and change, even for strong partisans, are not constant phenomena. Indeed, while more than 77 per cent of 1956 strong Democrats were stable through 1958, only 68 per cent of 1958 strong Democrats were stable through 1960. Republicans, moving in the opposite direction, retained only 56.5 per cent of the 1956 strong identifiers through 1958, but moved up to 69.5 per cent in the 1958–1960 period. Thus it appears that even strong partisans, the most stable of all identifiers, are not immune to the pull of short-term forces. The best we can say is that relative to all other types of identifiers, strong partisans are apt to be the most stable.

Pattern of Changes: 1956, 1958, and 1960. It remains to examine the patterns exhibited by party attachments of the same individuals across all three points in time. These data are shown in Table 4.[28] With regard to stability, the data are clear. The highest proportion of stable respondents was found among strong Democrats, where six out of ten still held their 1956 identification in 1960. From there, the proportions drop off rapidly. Less than half of the strong Republicans were stable throughout the entire period, as were only about a third of the weak partisans of both parties and about one out of ten independent partisans. As expected, the stability of Independents, once again, fell between independent partisans and weak partisans.

The highest rate of interparty change was exhibited by the independent partisans of each party—29.2 per cent of the independent Republicans changed parties at least once as did 14.3 per cent of the independent Democrats. These were followed in order by weak partisans (6.4 per cent for the Democrats and 19.6 per cent for the Republicans) and strong partisans (1.6 per cent for Democrats and 7.2 per cent for Republicans). The 1956 pure Independents exhibited relatively low rates of interparty change with slightly fewer than one in twenty crossing party lines in the four-year period. As might be expected from the data in earlier tables, the overall frequencies of

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[28] The optimal procedure for the examination of patterns of change in party identification across the entire period from 1956 to 1960 would be to hold 1956 party identification constant and examine the distribution of 1960 party identification conditioned on 1958 identification. This procedure, however, yields an unwieldy table with some 343 cells. In order to deal with this problem, Table 4 was constructed from that larger table.

Table 4. Patterns of Stability and Change of Party Identification: 1956–1958–1960 (Percentages)

1956 Party Identification	Pattern of Movement Between 1956 and 1960							
	Stable	Intra-Party	(Toward Party)	(Away From Party)	(Toward & Away From Party)	Inter-Party[a]	Total	(*N*)
Strong Democrat	60.1	38.3	(—)	(28.2)	(10.1)	1.6	100.0	(248)
Weak Democrat	37.1	56.5	(29.2)	(9.3)	(18.0)	6.4	100.0	(267)
Independent Democrat	10.7	75.0	(44.0)	(13.1)	(17.9)	14.3	100.0	(84)
Independent	25.6	69.7	(23.5)[b]	(22.7)[c]	(22.7)[d] (11.3)[e]	4.7	100.0	(106)
Independent Republican	9.4	61.4	(22.6)	(13.3)	(25.5)	29.2	100.0	(106)
Weak Republican	34.7	55.7	(23.1)	(11.0)	(11.6)	19.6	100.0	(173)
Strong Republican	46.7	46.1	(—)	(28.3)	(17.8)	7.2	100.0	(180)

[a] Percentage who changed parties *at least* once.
[b] Moved toward the Democratic Party.
[c] Moved toward the Republican Party.
[d] Moved toward and away from the Democratic Party.
[e] Moved toward and away from the Republican Party.

interparty change were much higher for the Republicans than for the Democrats.

Change in Party Identification and the Floating Vote. Having described some rather interesting patterns of variation in party attachments, let us return to the question of implications for the floating-voter hypothesis. We begin with a reconsideration of the relationship between "floating" and levels of involvement. Reiterating Converse's point, we expect that " . . . *in any given shift between two elections . . . the less involved and less informed voters are disproportionately represented.*"[29] As Converse and Dreyer have done (in their separate analyses), we used the number of media followed as a surrogate measure for involvement.[30] We have reformulated the question somewhat, however, in order to examine the floating voters only. The results are shown in Table 5.

The data are clear enough to require little interpretation. Contrary to Converse's expectation, we did not find the less involved voters disproportionately represented among "floaters." Indeed, almost half of those voters who were unstable between 1956 and 1960 followed three or more media during the 1960 campaign. Those in the two lowest information categories account for less than 20 per cent of the total number of floating voters. In a modal sense, then, floating voters exhibit relatively high levels of political involvement.

It must be noted that these results do not, however, deny the central thrust of both Converse's and Dreyer's analyses of the inter-election hypothesis—i.e., that voting stability tends to increase with levels of involvement. Rather, it is simply being argued that increasing vote/vote stability as a function of level of involvement does not imply decreasing rates of floating as a function of involvement. Table 6 illuminates the point. At each successively higher level of involvement, the pro-

Table 5. Level of 1960 Media Attention Among 1956–1960 Floating Voters

Number of Media Attended 1960	Percentage of All Floating Voters*	Percentage of Total Sample	(*N*)
0	3.7	1.1	(13)
1	15.4	4.5	(54)
2	32.7	9.7	(114)
3	34.4	10.2	(120)
4	13.7	4.1	(48)
Total	100.0	29.6	(349)

* Floating is defined as exhibiting one of the following vote change patterns between 1956 and 1960: Democrat to Republican, Republican to Democrat, Non-vote to Democrat, Non-vote to Republican, Democrat to Non-vote, Republican to Non-vote.

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[29] Campbell et al., *Elections and the Political Order,* p. 137.

[30] *Ibid.,* and Dreyer, "Media Use and Electoral Choices."

Table 6. Media Attention 1960 and Vote Pattern 1956–1960 (Percentages)

Number of Media Attended 1960	Vote Pattern 1956–1960: Voted Twice For Same Party	Switched Vote	Did Not Vote In One Election	Did Not Vote In Either Election	Total	(*N*)
0	17.7	8.9	20.1	53.3	100.0	(45)
1	36.6	17.0	18.3	28.1	100.0	(153)
2	47.9	16.0	18.5	17.6	100.0	(330)
3	63.3	16.8	11.2	8.8	100.0	(430)
4	71.6	12.6	9.1	6.8	100.0	(222)

portion of stable two-time voters increases, rising from a low of under 20 per cent to a high of more than 70 per cent in the case of the most highly involved. It appears, however, that stability rates increase most clearly as a function of declining rates of consistent nonvoting rather than declining rates of vote switching. Indeed, the proportion of consistent nonvoters shows a monotonic decline from a high of over 50 per cent in the zero media case to a low of about 7 per cent in the four media case. The proportion switching their vote, however, shows no such clear pattern.

In light of the traditional floating-voter hypothesis, the results obtained here represent something of an anomaly. First, we find that the baseline from which "floating" is traditionally measured—i.e., party identification—seems to fluctuate from year to year in reasonable kinds of ways. Second, we find that low-information, low-involvement voters are not disproportionately represented among the "floaters." Do such results help clarify our thinking about the floating vote? Our view, of course, is that they do. Simply put, we argue that the highly involved voter, who is likely to be more constrained in his partisan attitudes than are voters of low involvement,[31] is more likely to alter his party attachment so that it is consonant with his current vote intention than are voters of low involvement.[32]

There are several different ways one might test such an hypothesis. In order to provide a test as stringent yet as straightforward as possible, we have dealt here only with two classes of voters—(1) those voters who switched their vote from one party to another between 1956 and 1960 and (2) those 1960 voters who did not vote in 1956. We obtained a measure of change of party identification by subtracting each respondent's 1960 party identification from his 1956 party identification (where 1 = Strong Democrat and 7 = Strong Republican). The scores thus ranged from −6 (a shift of six positions toward the Democratic Party) to +6 (a shift of six positions toward the Republican Party). As a surrogate measure of involvement, we again followed both Converse and Dreyer in utilizing attention to media. Since we were dealing with the subsample of floating voters only, the number of respondents presented some problem. In particular, we were forced to combine involvement levels into two groups—high and low. Thus, the highly involved reflect those respondents who followed three or more media while the low involvement group reflects those who followed two media or less. In addition, the measure of change of party attachment has been collapsed so that −2 reflects a shift of two or more positions toward the Democrats and +2 reflects a shift of two or more positions toward the Republicans.

If party identification and vote are related, we should be able to plot the proportion of respondents switching to Democratic in 1960 as a decreasing function of the magnitude of the move toward the strong Democratic end of the identification measure. Moreover, if the assertion holds that it is the highly involved rather than those of low involvement who make such consonant moves, the relationship should obtain for the high media attentives but not for the low. Figures 1 and 2 plot the proportion of floating voters switching their vote to Democratic in 1960 as a function of change of party attachment between 1956 and 1960. Figure 1 gives the results for the floaters of high involvement. Even quick visual inspection suggests substantial support for the hypothesis. Among the highly involved floaters the frequency of shifting votes to the Democrats clearly tends to decrease as one moves from left to right across the graph. For the low involvement group, shown in Figure 2, no such trend appears.

In order to provide a more rigorous test of the

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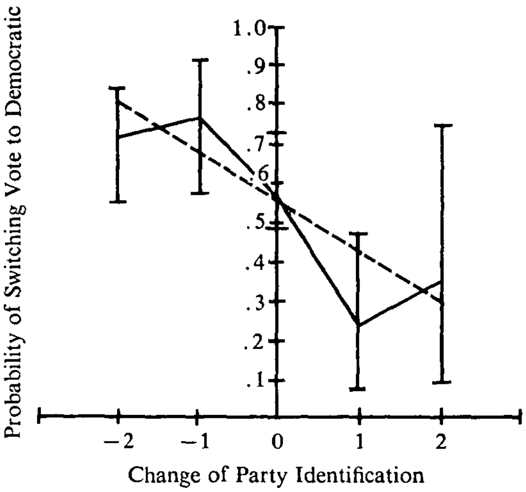
[31] See Converse, "Belief Systems in Mass Publics."

[32] We have no intention of broaching the implied causal relationship here. At this juncture, we really have no idea whether change in party attachment is "caused" by change in vote intention or vice versa. We rather suspect that change in both party attachment and vote occurs concomitantly as a function of changes in other partisan attitudes.



Regression Slope = −.13

	df	Chi-square
Total	4	18.13
Due to Regression	1	12.09
Due to Non-Linearity	3	6.04

Key

———	Observed
- - - -	Predicted Regression Line
I	Approximate 95 Per cent Confidence Interval

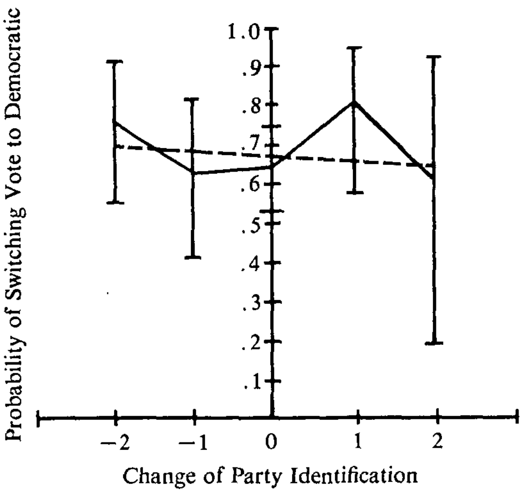
Figure 1. Change of Party Identification and Probability of Switching Vote to Democrats: High Information Group $N=(154)$

hypothesis, a test for linear trend was conducted.[33] Thus, on each graph, the dashed line represents the predicted proportion switching their vote to Democratic as a function of change of party identification. In the case of the low involvement group the slope was −.01 and the regression was not significant. In the case of the high involvement group, however, the regression was highly significant ($p<.001$) and departures owing to nonlinearity were not significant. The slope for the high involvement group was −.13, suggesting an increase of about 13 per cent in the proportion switching their vote to Democratic with each step move toward the Strong Democratic end of the identification measure.

Discussion

Thus, taken as a whole, our analysis seems to suggest the following: (1) In agreement with other research, we find rather clear patterns of variation in party attachments over time; (2) a reconsideration of the floating-voter hypothesis suggests that voters with low media involvement do not seem to be disproportionately represented among floaters. Rather, voters who switched their vote between elections modally tended to be in the higher involvement categories; (3) vote change and change of party identification appear to be linearly related for high involvement floaters, but not for those of low involvement.

These findings have several implications for our understanding of the American electoral process. First, in terms of the question which originally motivated our thinking, a completely random model of change of party attachment does not seem appropriate for the entire electorate. Indeed,



Regression Slope = −.01

	df	Chi-square
Total	4	3.50
Due to Regression	1	.04
Due to Non-Linearity	3	3.46

Key

———	Observed
- - - -	Predicted Regression Line
I	Approximate 95 Per cent Confidence Interval

Figure 2. Change of Party Identification and Probability of Switching Vote to Democrats: Low Information Group $N=(149)$

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[33] The test for linear trend in proportions is a weighted regression of the estimated column proportions in a 2 x c table on scores assigned to each of the c columns. For further discussion see W. G. Cochran, "Some Methods for Strengthening Common X^2 Tests," *Biometrics*, 10 (December, 1954), 417–451.

the patterned relationships that were found between change of party identification and change of vote by the highly involved floaters argues, to the contrary, that much change in the electorate may be purposive. There do, however, appear to be instances in which a random model of change in party identifications might make sense. The first, obviously, is in the case of the low involvement voter whose changes in partisan attachment do not bear meaningful relationships to changes of vote. A second, perhaps less obvious, case is that of the voter who changes his partisan attachment, but remains stable in his vote. But even in these cases an alternative hypothesis might be offered which suggests that change of partisan identification operates as something of a "psychological safety valve" which allows the voter to adjust his perception of parties, candidates, or issues without altering his subsequent behavior. Thus, for example, a voter may respond negatively to some particular candidate or issue stand and, rather than change his vote, simply indicate a weaker sense of identification with the party during that election. We rather suspect that systematic inquiry into the dynamics of the electoral process (whether one investigates party identification, issue attitudes, or vote) will not yield a single explanatory model based on either stability, purposive change, or random change. Our intuition suggests, on the contrary, that each of these processes interacts in dynamic proportions to produce electoral outcomes. The difficulty, of course, is to formulate models which adequately cope with each kind of process and then to specify the ways in which the models can interact to produce the observable phenomena of elections.

A second, and perhaps more directly substantive, implication of this analysis pertains to our understanding of the floating vote. It is clear that the dynamic relationship between change of party identification and change of vote has hidden high involvement floating in static analyses. Thus, the argument that electoral outcomes depend disproportionately on the ill-informed, marginally involved voter seems to be in need of some modification. At the very least, the analysis presented here suggests that electoral outcomes depend *as much* on floating by high media attentives as the low media attentives. Moreover, while discussion of the point is beyond the scope of the present paper, it is likely that the results obtained here bear some implications for our understanding of the role of issue voting in the determination of electoral outcomes.[34]

Finally, the data presented here argue strongly for the need to deal with the dynamics of the electoral process. Indeed, it is more than unfortunate, given the major electoral upheavals of the 1960s and early 1970s, that our only longitudinal view of the electoral process comes from data taken in the late 1950s. Adequate conceptualizations of electoral, as well as many other processes, depend on conceptualizations of the stability and change over time. When those conceptualizations are based primarily on aggregate distributions generated at static points in time, in a manner not unlike the "ecological fallacy," we may be led far afield of what is actually taking place.

[34] An excellent guide to this literature is to be found in the June, 1972 *American Political Science Review* symposium on issue voting. In particular, see John H. Kessel, "Comment: The Issues in Issue Voting," *American Political Science Review*, 66 (June, 1972), 459–465.

Voting Behavior on the United States Courts of Appeals Revisited*

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Students of judicial behavior have devoted much attention over the past decade to mapping and documenting political decision making of judges on various courts by examining the exercise of judicial discretion. Among other concerns, research has focused on the attitudinal patterns that are uncovered by quantitative analysis of voting behavior and the relationship of judges' backgrounds to their decisional behavior.[1] These concerns have been among those pursued by researchers who have studied judicial decision making on the United States Courts of Appeals.[2] The objective here is to explore some facets of judicial behavior on the appeals courts with particular reference to the attitudinal and the backgrounds-behavior research problems. In an earlier study of the appeals courts, voting behavior along these lines was investigated covering a three-fiscal-year period (fiscal 1962, 1963, 1964).[3] In this revisit, the earlier findings were treated as hypotheses with a new case population encompassing the subsequent seven fiscal years (fiscal 1965 through fiscal 1971).

Research Design

For present purposes, judicial voting behavior is examined in basic political terms of who wins and who loses and by implication what political values are seemingly being fostered. All decisions rendered nonunanimously (i.e., with dissent as to what happens to the litigants) by the courts of appeals during fiscal 1965 through fiscal 1971 were coded for one or more issues. Some for which there were few cases or small numbers of judges with sufficient cases to justify the calculation of scores were combined with other issues. Some decisions concerned issues (e.g., patent, shipowner-stevedore indemnity, and other commercial cases) that were not included in the issue analyses; however, the voting behavior was included in separately conducted bloc analyses. In total, there were 2,115 nonunanimous decisions of the appeals courts. Multi-issue cases were coded by treating each issue as if it were a separate case. Thus, in total, there were 2,312 "cases." The issues are presented in Table 1. Note that cases were not coded directly on the political liberalism, economic liberalism, and dissents dimensions but that scores were derived from the voting behavior coded on other issues.

Quantification of voting behavior was accomplished by the method utilized in the earlier study to calculate and determine the scores of the

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* I would like to thank Robert Gonter of the University of Massachusetts Computing Center for writing a computer program that facilitated some of the analyses reported here. He and the consulting staff, in particular, Bill Haggerty, also provided invaluable assistance. A University of Massachusetts Faculty Research Grant and computer time grants made it possible for this research to be undertaken.

[1] See the discussion in Sheldon Goldman and Thomas P. Jahnige, *The Federal Courts as a Political System* (New York: Harper & Row, 1971), pp. 154-171 and Walter F. Murphy and Joseph Tanenhaus, *The Study of Public Law* (New York: Random House, 1972), pp. 116–149. Also see Glendon Schubert, "Judicial Process and Behavior, 1963–1971," in *Political Science Annual*, Vol. III, ed. James A. Robinson (Indianapolis: Bobbs-Merrill, 1972), pp. 73–280.

[2] See the citations contained in Sheldon Goldman, "Voting Behavior on the United States Courts of Appeals, 1961–1964," *American Political Science Review*, 60 (June, 1966), 375, n. 6 and Sheldon Goldman, "Conflict on the U.S. Courts of Appeals 1965–1971: A Quantitative Analysis," *University of Cincinnati Law Review*, 42 (No. 4, 1973), 636, n. 3. Also see, Jeffrey B. Morris, "The Second Most Important Court: The United States Court of Appeals for the District of Columbia Circuit" (Ph.D. Dissertation, Columbia University, 1972) and William H. Moseley, "Personal Attitudes and Judicial Role in Judicial Decision-Making: A Study of the United States Courts of Appeals" (Ph.D. Dissertation, University of Hawaii, 1972) as cited in *Comprehensive Dissertation Index 1861–1972*, Vol. 27 (Ann Arbor: Xerox University Microfilms, 1973), pp. 187, 343; J. Woodford Howard, Jr., "Litigation Flow in Three United States Courts of Appeals," *Law and Society Review*, 8 (Fall, 1973), 33–53; J. Woodford Howard, Jr., "Role Perceptions and Behavior in Three U.S. Courts of Appeals," paper presented at the 1974 Annual Meeting of the American Political Science Association; Burton M. Atkins and Justin Green, "Problems in the Measurement of Conflict on the United States Courts of Appeals," paper presented at the 1974 Annual Meeting of the American Political Science Association; Burton M. Atkins, "Opinion Assignments on the United States Courts of Appeals: The Question of Issue Specialization," *Western Political Quarterly*, 27 (September, 1974), 409–428; Burton M. Atkins and William Zavoina, "Judicial Leadership on the Court of Appeals: A Probability Analysis of Panel Assignments in Race Relations Cases on the Fifth Circuit," *American Journal of Political Science*, 18 (November, 1974), 701–711; Charles M. Lamb, "Warren Burger and the Insanity Defense—Judicial Philosophy and Voting Behavior on a U.S. Court of Appeals," American University Law Review, 24 (Fall, 1974), 91–128.

[3] Goldman, "Voting Behavior," pp. 374–383. To aid comparability with the earlier study, much of the original research design and format of the presentation of the findings are employed here.

Table 1. Voting Positions Assigned Higher Numerical Values

Issue or Category	Voting Position
Criminal Procedures	For the claims of criminal defendants or prisoners (excluding selective service violations and white collar crimes such as income tax evasion, fraud, embezzlement)
Civil Liberties	For the civil rights claims of Black Americans For civil libertarian claims of aliens, conscientious objectors, and others
Labor	For the labor union and employees in labor-management and NLRB decisions
Private Economic	For the claims of the insured as opposed to the insurance company For the claims of the small business or subcontractor when opposed by large business or contractor Opposed to alleged anti-trust law violators For the tenant in landlord-tenant cases For the debtor or bankrupt For the buyer of goods as opposed to seller For the stockholder in stockholder suits
Government Fiscal	For the govenment in tax, eminent domain, and other fiscal cases
Injured Persons	For the claims of injured workers For the injured or the fatally injured's estate in automobile or other accidents For the injured in federal tort cases
Political Liberalism	Includes the above voting positions on Criminal Procedures and Civil Liberties issues and includes votes for the claims of white collar criminal defendants or prisoners
Economic Liberalism	Includes the above voting positions on Labor, Private Economic, and Injured Persons issues. Also includes votes for the governmental agency in regulation of business cases
Activism	For federal court jurisdiction and the imposition of federal standards on the states in criminal procedures and other cases
Dissents	Dissenting votes

judges. Table 1 specifies the voting position assigned a "higher" numerical value in terms of each issue or category. These issues are the same used in the earlier study, with two exceptions. First, government regulation of business was dropped here as a separate issue because there were not enough cases to enable the calculation of scores for a sufficient number of judges.[4] Second, in the earlier study there was one composite liberalism category; as is shown in Table 1, *two* liberalism categories, political liberalism and economic liberalism, were now used in order to make the categories comparable to the C and E scale cases found in other studies of judicial behavior.[5] The issues as defined in Table 1 can be considered to represent political attitudes and values rather than narrowly defined technical legal issues. In the direction in which the voting position is scored higher, they can be conceptualized (with the exception of the dissents category and perhaps activism and government fiscal) as representing politically liberal attitudes.

In scoring, the numerical value of 2.0 was assigned to the voting positions specified in Table 1; and the value of 0.0 to the opposite voting positions. Where three different voting positions were evident, the value of 1.0 was assigned to a vote which in part adhered to the Table 1 positions. A judge's score was derived by calculating the arithmetic mean of the numerical values given to all of that judge's votes for the particular issue.[6] Scores could range from 0.00 (complete opposition to the claims specified in Table 1) to 2.00 (complete support for those positions).

Because the eleven United States Courts of Appeals conduct their business for the most part by panels of three judges whose membership shifts,[7] the scores of the judges were primarily based on different cases; nevertheless, the basic political and broad public policy issues concerned with "who wins" were considered to be similar across cases within the circuits and across the circuits (although circuit was controlled for in some of the analyses which follow). This is by now a convention of judicial research on lower courts.[8]

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[4] In the earlier study, the government regulation of business issue was utilized, and 38 out of the total study population of 78 judges had decided at least five such cases and therefore had scores calculated for that issue. But now only 18 judges out of the total study population of 130 judges decided the minimum number of cases. The separate government regulation issue was therefore dropped but the cases were incorporated in the economic liberalism measure.

[5] In the earlier study both unanimous reversals of district courts and nonunanimous decisions made up the case population. Because of the relatively small number of nonunanimous decisions in that case population, only one liberalism category (which consisted of only split decisions) was constructed.

[6] A judge had to decide a minimum of five cases on a particular issue in order for a score to be calculated and utilized. In practice, for most issues, at least three or four times the minimum number of cases were utilized for most judges. There were some judges, however, who did not decide a sufficient number of cases on all issues; thus the N for each issue varied. The private economic issue had the smallest number of judges, 51, for whom scores were calculated. The second, third, fifth, ninth, and District of Columbia circuits accounted for 41 judges on that issue. The fourth, sixth, and seventh circuits contributed the balance. No judge on the first, eighth, and tenth circuits was included on this issue because none decided the minimum number of cases.

Unlike the earlier study which combined unanimously decided reversals of district court cases with nonunanimously decided cases for purposes of analysis, this study only considered nonunanimously decided cases. Table 2 presents the rates of dissent on the eleven appeals courts during the seven year period surveyed and shows that most cases were decided unanimously. Indeed, the maximum dissent rate (split decisions as percentage of the total number of cases decided after hearing or submission) was 13.2 per cent (District of Columbia circuit). The range of dissent was like that of the earlier fiscal 1962 through 1964 years. Although the variables associated with the variation in circuit dissent rates were not systematically explored here, size of court and rate of termination of appeals were found to be related.[9] No doubt the explanation of variation in dissent rates requires investigation of more variables and their interrelationships.[10]

Table 2. Dissension on the Eleven Courts of Appeals, Fiscal 1965 Through Fiscal 1971

	Circuit											
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	D.C.	Total
No. of Split Decisions	15	288	178	179	294	151	232	79	231	52	416	2115
Split Decisions as % of Total No. of Cases Decided*	1.4	7.4	7.6	7.6	3.9	4.3	9.5	4.1	4.9	1.8	13.2	5.9

* The total numbers of cases are listed in Table B-1 (total cases disposed of after hearing or submission), *Annual Report of the Director of the Administrative Office of the United States Courts* (Washington, D.C.,: U.S. Government Printing Office), for fiscal years 1965, 1966, 1967, 1968, 1969, 1970, and 1971.

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[7] Occasionally, cases are decided by the entire court sitting *en banc*. During the seven-year period under study, there were only 202 nonunanimously decided *en banc* decisions accounting for little more than one half of 1 per cent of all cases decided after hearing or submission.

[8] See, for example, Robert H. Salisbury, "The United States Courts of Appeals for the Seventh Circuit, 1940–1950: A Study of Judicial Relationships" (Ph.D. Dissertation, University of Illinois, 1955); Rondal G. Downing, "The Federal Courts and Labor Relations Policy, 1936–1954: A Study of Judicial Decision-Making" (Ph.D. Dissertation, University of Illinois, 1956); Stuart S. Nagel, "Political Party Affiliation and Judges' Decisions," *American Political Science Review,* 55 (December, 1961), 843–850; Kenneth N. Vines, "The Role of Circuit Courts of Appeal in the Federal Judicial Process: A Case Study," *Midwest Journal of Political Science,* 7 (November, 1963), 305–319; Kenneth N. Vines, "Federal District Judges and Race Relations Cases in the South," *Journal of Politics,* 26 (May, 1964), 337–357; Don R. Bowen, "The Explanation of Judicial Voting Behavior from Sociological Characteristics of Judges" (Ph.D. Dissertation, Yale University, 1965); Kenneth M. Dolbeare, "The Federal District Courts and Urban Public Policy: An Exploratory Study (1960–1967)," in *Frontiers of Judicial Research,* ed. Joel B. Grossman and Joseph Tanenhaus (New York: Wiley, 1969), pp. 373–404; Burton M. Atkins, "Decision-Making Rules and Judicial Strategy on the United States Courts of Appeals, *Western Political Quarterly,* 25 (December, 1972), 626–642; Thomas G. Walker, "A Note Concerning Partisan Influences on Trial-Judge Decision Making," *Law and Society Review,* 6 (May, 1972), 645–649; Thomas G. Walker, "Behavioral Tendencies in the Three-Judge District Court," *American Journal of Political Science,* 17 (May, 1973), 407–413. Sorrel Wildhorn and Robert Greenwood, *Prosecution of Adult Felony Defendants: A Policy Perception* (Santa Monica, California: Rand Corporation, 1973).

[9] A positive correlation (.24) was found between circuit dissent rate and size of court (i.e., the number of judges serving on the appeals court), suggesting some tendency for the larger circuits to be more contentious than the smaller ones. A negative correlation (−.44) was found between circuit dissent rate and per judgeship terminated appeals rate, suggesting that circuits with more dissent tended to be those that were less efficient in the disposition of their business. It might be thought that circuits with the heaviest workload pressures might be those with a tendency to dissent less but the correlation analyses lent little support for this hypothesis (the correlation between dissent rate and per judgeship civil appeals rate was −.09, the correlation between dissent rate and total appeals filed per judgeship was .17). Per judgeship rates were taken from *Management Statistics for United States Courts* (Washington, D.C.: Administrative Office of the United States Courts, 1972). Sources of dissent are explored in Goldman, "Conflict," pp. 637–642. A major finding reported there is that there appears to be a diversity of sources of conflict and that this diversity is probably indicative of regional, social, and economic differences among the circuits. Yet there is no basis to assume that regions are so distinct that cross-circuit comparisons of the same issue are unwarranted.

[10] For more on this point, see Goldman, "Conflict," p. 639, n. 10.

Attitudes and Voting Behavior

Although each of the issues and categories contains cases that present various technical legal questions for resolution, they can also be considered as providing broader political stimuli to which the judges can respond in the context of the choices they have in legally resolving the disputes before them. Thus, it was hypothesized that voting on one issue would be associated with voting on other issues and that a liberal-conservative attitudinal pattern of voting behavior would emerge. The numerous studies of other courts, particularly the consistent findings over the years of C and E scales on the Supreme Court, and the findings in previous studies of the appeals courts, provided reasonable grounds for this hypothesis. More specifically, on the basis of earlier findings, it was hypothesized that statistically significant positive correlations of voting behavior would be found on the criminal procedures, civil liberties, private economic, injured persons, activism, and political and economic liberalism issues. Also on the basis of other judicial behavior studies, it was hypothesized that there would be a distinction between political liberalism (and its correlates) and economic liberalism (and its correlates). The earlier study found no such widely intercorrelated relationships for the government fiscal and dissents categories, and none were hypothesized here. Table 3 presents the findings.

Both nonparametric and parametric correlation coefficients were calculated and both are presented in the matrix. The rank-order and Pearson correlation coefficients were almost identical; and they suggest that for the most part the hypotheses were confirmed. There were statistically significant positive intercorrelations of the criminal procedures, civil liberties, labor, injured persons, activism, political liberalism, and economic liberalism issues. A judge with a high score on one of these issues tended to have high scores on the other issues.[11] The intercorrelations of the criminal procedures, civil liberties, activism, and political liberalism issues were higher than were their correlations with the economic issues. Similarly, the intercorrelations of the labor, injured persons, and economic liberalism issues were higher than were their correlations with the political liberalism issues.

Unlike the earlier study, the pattern of voting on the private economic issue, which admittedly contained a wide variety of economic problems and voting positions, was not consistent with the hypothesis. There were no statistically significant correlations between voting on the private economic issue and voting on civil liberties, activism, and political liberalism issues. There were, however, statistically significant correlations (though on the low side) between private economic case voting and voting on the other economic issues (including economic liberalism) and also on the criminal procedures issue.

Contrary to the hypothesis, a statistically significant correlation (−.50) was found between voting on government fiscal cases and voting on private economic cases. Those in favor of the economic underdog in the private economic cases tended to oppose the claims of the federal govern-

Table 3. Intercorrelations of Voting Behavior on Issues and Categories (Spearman Rank Order Correlations to the Right of Diagonal; Pearson R Correlations to the Left of Diagonal)

	Criminal Procedures	Civil Liberties	Labor	Private Economic	Gov't Fiscal	Injured Persons	Political Liberalism	Economic Liberalism	Activism	Dissents
Criminal Procedures		.72	.67	.29[b]	.22[a]	.60	.96	.58	.90	−.06[a]
Civil Liberties	.73		.78	−.04[a]	.22[a]	.67	.86	.61	.70	−.14[a]
Labor	.68	.80		.37	.26[a]	.79	.75	.91	.64	−.01[a]
Private Economic	.26[b]	−.06[a]	.31[b]		−.50	.29[b]	.16[a]	.55	.12[a]	.14[a]
Gov't Fiscal	.22[a]	.22[a]	.28[b]	−.51		.11[a]	.16[a]	.04[a]	.10[a]	−.18[a]
Injured Persons	.62	.69	.79	.26[b]	.16[a]		.65	.85	.46	−.02[a]
Political Liberalism	.96	.86	.75	.13[a]	.18[a]	.65		.58	.87	−.08[a]
Economic Liberalism	.59	.59	.92	.58	.08[a]	.85	.57		.46	.06[a]
Activism	.90	.71	.60	.04[a]	.10[a]	.50	.86	.44		.04[a]
Dissents	−.01[a]	−.16[a]	−.05[a]	.14[a]	−.15[a]	−.02[a]	−.05[a]	.07[a]	.07[a]	

[a] Not statistically significant.
[b] Statistically significant between the .02 and .05 levels.
All other correlation coefficients are significant at least at the .01 level.

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[11] Note that the correlations were higher than those found in the earlier study. It is likely that the current case population of exclusively nonunanimous decisions highlights the differences in voting tendencies while the earlier study's inclusion of certain unanimously decided cases (without controlling for panel composition) probably took the edge off those differences. Recall also that the political liberalism issue subsumes criminal procedures as well as civil liberties (see Table 1) so that correlations between political liberalism and criminal procedures as well as civil liberties are artificially high. This is also true for the correlations between criminal procedures and activism as criminal procedures cases involving state prisoners were also coded on the activism issue. Note the overlap with economic liberalism and the separate labor, injured persons, and private economic categories.

ment in tax and other fiscal cases.[12] The only other statistically significant correlation involving government fiscal cases, however, was that with the labor issue but the Pearson correlation coefficient was positive. There were no statistically significant correlations of dissent behavior to voting on any of the issues.[13] Evidently, political and economic conservatives do not have a greater propensity to dissent than do political and economic liberals.

The interrelated patterns of voting behavior on the issues on the appeals courts as suggested by Table 3 lead to the conclusion that attitudes and values defined politically rather than legally may be of prime importance in understanding appeals court voting behavior.[14] Bloc and scale analyses are other methods suitable for investigating these points circuit by circuit. Bloc analyses revealed that on all but the first circuit, voting blocs emerged. These blocs were categorized as liberal, moderate, or conservative on the basis of the judges' scores on the political and economic liberalism dimensions.[15] These findings of bloc voting within individual circuits which suggested interrelated political attitudes[16] reinforced the conclusions from the correlation analyses of voting behavior which were based on the voting of all judges combined *without* controlling for circuit.

Acceptable scales of *en banc* decisions were also constructed and the rankings of the judges on the scales were compared with their bloc types. Six circuits had sufficient *en banc* decisions to permit them to be scaled on the conventionally defined C dimension. The third circuit was the only court with enough cases also to permit the construction of a valid E scale.[17] The judges were ranked according to their scale scores (the lower the rank, the higher the scale score and the more liberal the judge on that broad attitudinal dimension as compared to those with the higher ranks and lower scale scores). It was found that in every instance on all six circuits, judges identified by the bloc analysis as liberal had higher scale scores and lower ranks than justices categorized as conservative.[18]

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[12] It might well be that political attitudes of the judges toward the federal government in such matters may be changing in that the image of benevolent and generous Uncle Sam collecting taxes to, among other things, redistribute wealth and provide benefits to the less fortunate has faded in the wake of Vietnam and the Nixon presidency. The federal government perhaps now is seen as topdog in economic struggle with nongovernmental litigant underdogs.

[13] This is a finding contrary to the earlier study in which negative correlations were found between dissent and voting on civil liberties and on labor issues. See Goldman, "Voting Behavior," pp. 379–380.

[14] The question that surely comes to mind is what about the overwhelming proportion of appeals court cases decided unanimously. Do these decisions by virtue of their unanimity undermine the attitude explanation? One key to an answer is found in the use of shifting three-member appeals court panels. Panels consisting of attitudinally similar judges would not be expected to have much dissent absent fundamental personality clashes. Indeed, Burton Atkins has demonstrated for the District of Columbia Circuit that panels consisting of judges whose *en banc* behavior was liberal in criminal cases (i.e., pro criminal defendant) are more likely to produce liberal results considering only and all their panel decisions than those panels dominated by previously identified conservatives in criminal cases. See Atkins, "Decision-Making Rules." Dissent rates of judges have also been shown to be considerably less when the judges on the panels are attitudinally similar than when they are on panels with a majority of attitudinally dissimilar (as identified by *en banc* behavior) colleagues. See Burton M. Atkins, "Judicial Behavior and Tendencies Towards Conformity in a Three Member Small Group: A Case Study of Dissent Behavior on the United States Court of Appeals," *Social Science Quarterly,* 54 (June, 1973), 41–53. Also note that the earlier appeals courts study by Goldman utilized both unanimous and nonunanimous decisions. The unanimous decisions studied were district court reversals. The earlier study utilized from between approximately 20 per cent to 35 per cent of the cases decided by each circuit during the time period examined and the importance of attitudes was one of the prominent findings. Thus attitudes are clearly important not only for nonunanimous decisions but also for a portion of unanimous decisions. But there are, of course, other reasons for consensus. Consensus may result because the precedents, statutes, and facts of cases are reasonably clear-cut pushing attitudinally dissimilar judges towards the same results. See Sheldon Goldman, "Backgrounds, Attitudes, and the Voting Behavior of Judges," *Journal of Politics,* 31 (February, 1969), 214–222, for an elaboration of this point and some evidence supporting the preceding argument. For an analysis of interview data with appeals courts judges concerning consensus on their courts see Sheldon Goldman, "Conflict and Consensus in the United States Courts of Appeals," *Wisconsin Law Review,* Vol. 1968 (No. 2, 1968), 461–482 particularly 476–480.

[15] For details of the findings and the methods employed see Goldman, "Conflict on the U.S. Courts of Appeals," pp. 645–652. Essentially, blocs were defined by McQuitty Elementary Linkage Analysis of matrices of agreement scores.

[16] One could argue that "ideology" should be used instead of "interrelated political attitudes." The concept of ideology, however, suggests a more formal, explicitly rationalized system of ideas than the phenomena here seem to warrant. But see Harold J. Spaeth and David J. Peterson, "The Analysis and Interpretation of Dimensionality: The Case of Civil Liberties Decision-Making," *Midwest Journal of Political Science,* 15 (August, 1971), 415–441 and Glendon Schubert, *The Judicial Mind Revisited: Psychometric Analysis of Supreme Court Ideology* (New York: Oxford University Press, 1974).

[17] The other circuits for which C scales were constructed were the second, fourth, fifth, ninth, and District of Columbia circuits. Although the commonly used coefficients of reproducibility and scalability met the usually acceptable minimum criteria, there were variations which suggested that the C scales for the District of Columbia and fourth circuits were the most acceptable scales, and the C and E scales for the third circuit only of minimum acceptability (the problem of non-participation was greatest for the third circuit).

We can observe, then, that a variety of methods —correlation analyses, bloc analyses of primarily panel voting, and scaling of *en banc* decisions pointed to the same basic finding, namely, that interrelated politically defined attitudes could meaningfully describe the voting behavior of appeals judges in nonunanimously decided cases.

Background Variables and Voting Behavior

While the importance of politically defined interrelated attitudes for the understanding of judicial voting behavior is likely to be accepted by students of judicial behavior, the same cannot be said about the relationship of background variables to judicial voting behavior. In a multitude of studies, particularly since Nagel's study of state supreme court justices, the results have been mixed.[19] One of the difficulties in this area has been the emphasis on demonstrating statistical relationships between and among certain background variables and voting behavior without being guided by a theoretical framework that would reasonably lead one to hypothesize such relationships. Some theorizing about backgrounds and the judicial decision-making process treat background variables as precursors of political attitudes and values, with the implication by some scholars that background variables for the most part mask too wide a variety of conditioning experiences for us to expect them to be directly and clearly associated with voting behavior and thus to be able to account for a significant portion of the variation of the behavior under scrutiny.

Party affiliation is the background characteristic that has been shown to have the strongest direct link of all background variables to voting behavior. Studies of national politics and elite behavior make it reasonable to expect that party affiliation will be associated with voting behavior.[20] In the earlier study of appeals judges it was found that the party variable was the most potent of the numerous background variables tested and that judges affiliated with the Democratic party tended to have statistically significant[21] higher scores than judges affiliated with the Republican party in those categories concerning the labor, private economic, injury, and activism issues as well as the all-encompassing liberalism category, but *not* the criminal, civil liberties, government fiscal and dissent categories. In the earlier study it was recognized that nonunanimous criminal and civil liberties cases composed part of the one liberalism category used but that on balance party differences were probably best related to issues involving economic liberalism. For present purposes, the hypotheses were that Democratic and Republican judges would be found to behave as they had earlier; Table 4 presents the results.

As Table 4 indicates, the hypotheses concerning the economic issues were confirmed, but those related to criminal procedures and civil liberties were not. The Democratic affiliated appeals judges were found to have higher median scores than the Republican affiliated judges on seven of the ten issues and categories. The spread between the Democratic and Republican groups was greatest on two of the three economic issues (labor and injured persons) and the distribution of scores on the economic liberalism issue showed the highest statistical significance.[22] The difference in medians and the distribution of the scores on the criminal procedures, civil liberties, and political liberalism

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[18] Goldman, "Conflict on the U.S. Courts of Appeals," p. 652–656.

[19] See Nagel, "Political Party Affiliation and Judges' Decisions"; Stuart S. Nagel, "Multiple Correlation of Judicial Backgrounds and Decisions," *Florida State University Law Review*, 2 (Spring, 1974), 258–280; Joel B. Grossman, "Social Backgrounds and Judicial Decisions: Notes for a Theory," *Journal of Politics*, 29 (May, 1967), 334–351; David W. Adamany, "The Party Variable in Judges' Voting: Conceptual Notes and a Case Study," *American Political Science Review*, 63 (March, 1969), 57–73; Dolbeare, "The Federal District Courts"; S. Sidney Ulmer, "Dissent Behavior and the Social Background of Supreme Court Justices," *Journal of Politics*, 32 (August, 1970), 580–598; S. Sidney Ulmer, "Social Background as an Indicator to the Votes of Supreme Court Justices in Criminal Cases: 1947–1956 Terms," *American Journal of Political Science*, 17 (August, 1973), 622–630; Dean Jaros and Bradley C. Canon, "Dissent on State Supreme Courts: The Differential Significance of Characteristics of Judges," *Midwest Journal of Political Science*, 15 (May, 1971), 322–346; Edward N. Beiser and Jonathan J. Silberman, "The Political Party Variable: Workmen's Compensation Cases in the New York Court of Appeals," *Polity*, 3 (Summer, 1971), 521–531; Malcolm M. Feeley, "Another Look at the 'Party Variable' in Judicial Decision-Making: An Analysis of the Michigan Supreme Court," *Polity*, 4 (Autumn, 1971), 91–104; Walker, "Partisan Influences"; Donald Leavitt, "Political Party and Class Influences on the Attitudes of Justices of the Supreme Court in the Twentieth Century," paper presented at the 1972 Annual Meeting of the Midwest Political Science Association. For a more general discussion, see Goldman and Jahnige, *The Federal Courts*, pp. 167–171 and Murphy and Tanenhaus, *The Study of Public Law*, pp. 103–112.

[20] See the discussion and citations in Adamany, "The Party Variable in Judges' Voting," pp. 58–62.

[21] Tests of statistical significance are meaningful here only if one were to assume that the judges and cases were a sample of a larger judge and case universe.

[22] The Mann-Whitney U Test was used to determine whether there was a statistically significant difference in medians and distribution of the scores by issue by political party. The U Test is described in Sidney Siegel, *Nonparametric Statistics for the Behavioral Sciences* (New York: McGraw-Hill, 1956), pp. 116–127.

Table 4. Party Affiliation and Median Scores of Judges on Issues and Categories

Issue or Category	Democrats (1)	(2)	Republicans (3)	(4)	Difference in Medians (5)	Significance Level (6)	% Dems. above own Circuit Median (7)	% Repubs. above own Circuit Median (8)	% Difference (9)
	Median	(*N*)	*Median*	(*N*)					
Criminal Procedures	1.07	(68)	0.67	(41)	0.40	.001	57.3	31.7	25.6
Civil Liberties	1.38	(51)	0.70	(28)	0.68	.007	52.9	32.1	20.8
Labor	1.43	(41)	0.46	(23)	0.97	.0006	58.5	21.7	36.8
Private Economic	1.27	(35)	1.04	(16)	0.23	.037	51.4	31.2	20.2
Government Fiscal	1.00	(36)	1.07	(16)	0.07	n.s.*	44.4	50.0	5.6
Injured Persons	1.20	(45)	0.50	(19)	0.70	.002	53.3	26.3	27.0
Political Liberalism	1.15	(76)	0.65	(49)	0.50	.0003	59.2	31.2	28.0
Economic Liberalism	1.09	(76)	0.74	(40)	0.35	.00001	63.2	17.5	45.7
Activism	1.14	(37)	1.14	(28)	0.00	n.s.	45.9	42.9	3.0
Dissents	0.60	(80)	0.56	(50)	0.04	n.s.	51.2	42.0	9.2

* Not statistically significant at the .05 level.

issues also make it clear that on the whole Democratic judges tended to be more liberal than Republican judges. The smallest statistically significant difference in medians and the distribution of the scores was on the private economic issue. No differences were found for the government fiscal, activism, and dissents categories.

How can we account for the findings concerning criminal procedures and civil liberties? The earlier study, with the exception of the liberalism category, combined unanimously decided reversals of district court decisions with nonunanimously decided cases. The present analysis was devoted exclusively to nonunanimously decided cases, and perhaps it is *these* cases, rather than unanimously decided reversals, that best accentuate attitudinal cleavages.[23] A possible additional explanation may be related to the apparent politicizing of civil liberties issues in the mid through late 1960s. The Republican party first under Goldwater and then under the leadership of President Nixon moved to the decidedly conservative side of these issues. It may be that the Johnson and Nixon judicial appointees also reflected in part the partisan split on these issues.[24] Certainly the judicial selection process during the Nixon administration involved taking into account whether a person under consideration was "soft on crime."[25]

The analysis of difference of medians and distribution of the scores of the two party groups was based on all appeals judges combined for purposes of analysis. It could be argued that such a method may unwittingly conceal what in fact occurs circuit by circuit. Surely, it might be observed, southern Democrats were more likely than nonsouthern Democrats to be conservative, while some of the Eisenhower Republican appointees to the southern circuits (particularly Judges Sobeloff, Wisdom, Tuttle, and Brown) were widely recognized liberals. Inclusion of the southern judges may thereby undermine the analysis of the party variable. To test for this possibility, median scores were calculated, and tests for the difference in the distribution of scores were run for Democrats and Republicans with the judges from the two southern circuits (the fourth and fifth circuits) excluded. The results showed the Democrats with higher medians (than when southern Democrats were included) on the civil liberties, labor, injury, economic liberalism, and activism issues. The Republicans had lower median scores (than when southern Republicans were included) on the criminal procedures, civil liberties, injury, political liberalism, and activism issues. With the southerners excluded, the Democrats had a higher median (1.29) on the activism dimension than did the Republicans (0.75) and the difference was statistically significant at the .01 level. But aside from the activism issue, excluding the southern judges from our measures did not basically change the thrust of the findings of all circuits combined reported in Table 4. Even more to the point, a circuit-by-circuit analysis (see columns 7–9 of Table 4) further supported the results concerning the party variable reported in columns 1–6 of the same table. The two issues for which the largest number of judges decided enough cases to warrant the calculation of scores were the political liberalism and economic liberalism issues. The findings, circuit-by-circuit, for political liberalism were that in only the fifth circuit of all eleven circuits was there a higher proportion of Republicans than Democrats above the circuit median. In the third and tenth circuits the Democrats and Republicans were evenly split above and below the circuit median. But in all other circuits, the proportion of Democratic judges above the circuit median was greater than the proportion of Republican judges. For the economic liberalism measure, in *all* eleven circuits there was a higher proportion of Democrats than Republicans above the circuit median.[26] Once again controlling for circuit led to essentially the same basic finding observed when all circuits were combined for analysis.

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[23] See, in general, Goldman, "Backgrounds, Attitudes, and the Voting Behavior of Judges."

[24] Note that when the judges were categorized by appointing administration, the median score of the Nixon appointees on the criminal procedures issue was the lowest of all groups, 0.53. In contrast, the median score of the Johnson appointees on the criminal procedures issue was the highest of all groups, 1.20. Appointees of other Republican administrations had a median of 0.67 and appointees of other Democratic administrations had a median of 0.82. On the civil liberties issue, the Nixon appointees again had the lowest median score (0.57) and the Johnson appointees the highest (1.50). Appointees of other Republican administrations had a median of 0.61 and appointees of other Democratic administrations had a median of 0.86. For this analysis, a judge's political liberalism score was used when no separate criminal or civil liberties scores could be constructed because of participation in too few cases. For an in-depth study of the Nixon appointees, see, Jon Gottschall, "The Nixon Appointments to the United States Courts of Appeals: The Impact of the Law and Order Issue on the Rights of the Accused" (Ph.D. Dissertation, University of Massachusetts, in preparation).

[25] *Congressional Quarterly*, December 16, 1972, p. 3160.

The religious affiliation of judges is another background variable that has been examined in terms of its association with their voting behavior. The assumption is that those of minority faiths, principally the Catholic and Jewish religions, are not only more likely to be affiliated with the Democratic party than those of the various Protestant denominations, but that members of minority religious groups are or have been outsiders in American society having never fully received widespread social, economic, and political acceptability. Because of the historical and perhaps even their personal experiences as minority group members these judges may have been socialized to favor the underdog. On the other hand, it could also be argued that religious affiliation is much too broad a variable encompassing a multitude of individual experiences and thus is affected by a host of intervening variables. The earlier study of appeals courts contained a test of the religion variable and the results showed that on only one issue was there a statistically significant difference in medians; Catholic judges had the greatest tendency to oppose the government's claims in fiscal cases. Because one had to strain to explain this finding it seemed more prudent to hypothesize in the current study simply that no religious differences would be found on any of the issues. The results are presented in Table 5.

Surprisingly, statistically significant differences were found on two issues; injured persons and economic liberalism, with Catholic judges voting more liberally for the economic underdog.[27] This finding held true on a circuit-by-circuit basis for those circuits with more than one Catholic judge serving (with the sole exception of the sixth circuit on economic liberalism). When party was brought in as a control, it was found that only on economic liberalism and only for the Democrats was there still a statistically significant difference in medians and distribution of the scores. Democratic Catholics emerged as more liberal than Democratic Protestants on the economic liberalism dimension. For the Republicans there was no difference between Protestants and Catholics on these issues but it should be kept in mind that the number of Republican Catholics was small (only four individuals).

The age variable was the only other demographic variable in which statistically significant differences in medians had been found in the earlier study, and those differences were only for the labor issue. In the earlier study the judges were divided into three groups: those under 60 years of age; those between 60 and 69; and those over 70. Judges under 60 were found to have higher scores than those over 70, even when party was held constant.[28] In retrospect, it was an error in the research design to have trichotomized a continuous variable thereby throwing away valuable data. In the current retest of the age variable simple correlations were run between the ages of the judges (age being defined as of January 1, 1968)

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[26] Circuit-by-circuit analysis of the other issues revealed that only in the fifth circuit was there a higher proportion of Republicans than Democrats above the circuit median for the criminal procedures, civil liberties, and labor issues. For the injured persons category, the fifth circuit was joined by the eighth circuit. For the activism issue the fifth circuit was joined by the third and fourth circuits. On the private economic issue only on the fourth and sixth circuits was there a higher proportion of Republicans above the circuit median than Democrats.

[27] Note that because there was only a small number of Jewish judges (13) and they were concentrated on the second and third circuits (8 of the 13), they were not included in the analysis of the religion variable. Their median scores on the issues were: criminal procedures 1.60 ($N = 13$); civil liberties 1.50 ($N = 10$); labor 1.73 ($N = 7$); private economic 1.17 ($N = 7$); government fiscal 1.17 ($N = 5$); injured persons 1.39 ($N = 8$); political liberalism 1.47 ($N = 13$). economic liberalism 1.19 ($N = 13$); activism 1.62 ($N = 8$); dissents 0.56 ($N = 13$).

[28] Goldman, "Voting Behavior," p. 382.

Table 5. Religious Affiliation and Median Scores of Judges on Issues and Categories

Issue or Category	Catholic		Protestant		Difference in Medians	Significance Level	% Cath. Above Own Circuit Median	% Prot. Above Own Circuit Median	% Difference
	Median	(*N*)	*Median*	(*N*)					
Criminal Procedures	0.90	(24)	0.80	(72)	0.10	n.s.	50.0	45.8	4.2
Civil Liberties	1.23	(20)	1.00	(49)	0.23	n.s.	45.0	42.9	2.1
Labor	1.06	(14)	0.80	(43)	0.26	n.s.	46.2	41.9	4.3
Private Economic	1.10	(14)	1.22	(30)	0.12	n.s.	42.9	43.3	0.4
Government Fiscal	0.83	(14)	1.00	(33)	0.17	n.s.	35.7	51.5	15.8
Injured Persons	1.29	(17)	0.88	(39)	0.41	.042	64.7	35.9	28.8
Political Liberalism	0.88	(27)	0.86	(85)	0.02	n.s.	44.4	48.2	3.8
Economic Liberalism	1.08	(25)	0.81	(78)	0.27	.029	60.0	43.6	16.4
Activism	1.16	(14)	0.96	(43)	0.20	n.s.	57.1	39.5	17.6
Dissents	0.64	(28)	0.58	(89)	0.06	n.s.	50.0	43.8	6.2

and their scores on the ten issues and categories. Because there has not been solid evidence in the judicial behavior literature concerning American judges to support an association between age and voting behavior, the hypotheses were that no such relationship would be found. These hypotheses were proved wrong for seven of the ten issues as reported in Table 6.

In the earlier study, data concerning years of judicial experience were also discarded by dichotomizing that variable. In this revisit, that variable was redefined as number of years served on the appeals court as of January 1, 1971 (or with deceased judges, at time of death). This variable, as expected, was positively correlated (.72) with age. It was assumed, however, to test a dimension somewhat different from age; to test hardening not of the biological arteries but rather of the bureaucratic judicial arteries. The simple correlations with the scores on the issues are also presented in Table 6. Just as with the age variable, the initial hypotheses were that no relationship would be found, but unlike the results with the age variable, the hypotheses were supported except on the labor issue.

Older judges simply tended to be more conservative on the criminal procedures, civil liberties, labor, injured persons, political liberalism, economic liberalism, and activism dimensions than did younger judges. They did not tend to dissent either more or less than younger judges. There were also no statistically significant correlations with the private economic and the government fiscal categories. The number of years on the appeals court was negatively related to support for the causes of employees in their battles with management.

Three other background variables were put to the test: (1) judicial experience on other courts at any time prior to appointment on the appeals courts; (2) experience as a candidate before the electorate for public office; and (3) public prosecutorial experience. It could be argued that such backgrounds reflect socializing experiences in the

Table 6. Relationship of Age and Years on Appeals Court to Scores of Judges on Issues and Categories

	Age			Years on Appeals Court		
	Simple Correlation	*N*	Significance Level	Simple Correlation	*N*	Significance Level
Criminal Procedures	−.29	(109)	.002	−.08	(109)	n.s.
Civil Liberties	−.30	(79)	.004	−.12	(79)	n.s.
Labor	−.39	(64)	.001	−.31	(64)	.006
Private Economic	.04	(51)	n.s.	.15	(51)	n.s.
Government Fiscal	−.05	(52)	n.s.	−.14	(52)	n.s.
Injured Persons	−.24	(64)	.026	−.04	(64)	n.s.
Political Liberalism	−.27	(125)	.002	−.08	(125)	n.s.
Economic Liberalism	−.26	(116)	.003	−.14	(116)	n.s.
Activism	−.22	(65)	.039	−.17	(65)	n.s.
Dissents	−.03	(130)	n.s.	.09	(130)	n.s.

course of a judicial career on other courts or in the course of being a candidate in the hurly-burly of partisan politics or as a prosecutor in the law enforcement milieu any or all of which might affect the development of political attitudes and values. Because this researcher was skeptical that such experiences could be sufficiently uniform to produce approximately the same conditioning experiences for all sorts of people, the hypotheses were that no statistically significant association with voting behavior on the ten issues and categories would be found.

The results on the whole confirmed these hypotheses. There was, however, a statistically significant difference in medians and distribution of scores (at the .021 level) on the dissents category and the prior judicial experience variable, which suggested that judges *without* previous judicial experience tended to dissent at a higher rate than those *with* such experience. There was also a large difference in medians on the labor issue between those *with* prior judicial experience (median score of 0.58) and those *without* (median score of 1.25). This largest difference in medians for the judicial experience variable approached statistical significance (.060). When party was held constant, the relationship seemed to hold but only for the Democrats. The only other statistically significant finding was for the candidate variable with the group of those having been candidates for public office having lower median scores on the labor issue (.037 significance level) than the group of those who never were candidates. By holding party constant, however, statistical significance disappeared.

With the exception of age and years on appeals, nonparametric tests were used in the backgrounds-behavior analyses thus far discussed. The use of party as a control was helpful in the analysis of the other independent and nominal measured variables. But party was not held constant for age and years on appeals. Obviously, it would be useful to be able to assess the effect of each of the independent variables on the dependent variables with all other independent variables held constant. Don Bowen did precisely this in his study of backgrounds and judicial voting behavior.[29] He made the assumptions of interval measurement and normal distribution of his independent and dependent variables and undertook partial correlation analyses and stepwise multiple regression. He found that party was most important but that other backgrounds also accounted for the variance above and below the mean. All of the background variables together, however, seldom accounted for more than 30 per cent of the variance. The big exception occurred with labor cases that pitted a large business against a union. In these cases about 44 per cent of the variance was explained by background variables. Despite the formidable assumptions about the nature of the independent and dependent variables that had to be made, the decision was taken to follow Bowen and similarly test the relationships of the variables.[30] Although these findings must therefore be treated cautiously, they nevertheless provide a needed perspective on the backgrounds-behavior of appeals judges. They also are for the most part consistent with Bowen's findings and are presented in Tables 7 and 8.

Table 7 reports the results of the stepwise multiple regression with the seven background (independent) variables and the scores on the ten issues (the dependent variables). The total variance accounted for by all the independent variables ranged from 5½ per cent for the dissent scores to about 37 per cent for the labor issue scores. After the dissents category, the government fiscal issue had the lowest percentage of the variance explained by the seven background variables (only about 8 per cent) followed by the activism and private economic categories, each of which had between 12 and 13 per cent of the variance accounted for. These findings were generally consistent with the previous analyses of the background variables undertaken individually (and reported in Tables 4, 5, and 6 and in the text) in which dissent behavior and government fiscal voting were for the most part not associated with the background variables, and the activism and private economic voting (as compared to the other economic and political issues) produced much less statistically significant results for distribution of the scores and medians. The amount of variance of the scores on the other issues attributable to the background variables, however, was far from spectacular. The explained variance of the scores on the criminal procedures, civil liberties, and political liberalism issues was about 20 per cent, while the remaining economic issues yielded a higher proportion of explained variance—37 per

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[29] Bowen, "The Explanation of Judicial Voting Behavior."

[30] In so doing, one could go beyond the permissive position some methodologists hold about the appropriateness of making assumptions about the data that are technically not warranted in order to utilize more sophisticated statistical methods. See, for example, Fred N. Kerlinger, *Foundations of Behavioral Research* (New York: Holt, Rinehart and Winston, 1964), p. 428. On the other hand, Multiple Classification Analysis could have been employed as "the MCA technique can be considered the equivalent of a multiple regression using dummy variables." Frank M. Andrews, James N. Morgan, John A. Sonquist, and Laura Klem, *Multiple Classification Analysis: A Report on a Computer Program for Multiple Regression Using Categorical Predictors*, second edition (Ann Arbor: Institute for Social Research, University of Michigan, 1973), p. 47.

Table 7. Stepwise Multiple Regression Analysis of Background Variables and Scores

Issue	Variable in Order of Entry in Regression	Multiple *R*	% of Explained Variance
Criminal Procedures	Political Party	.304	9.2
	Age	.377	14.2
	Religion	.427	18.2
	Candidate	.429	18.5
	Prior Judicial	.431	18.6
	Years on Appeals	.447	20.0
	Prosecutorial Exper.	.453	20.6
Civil Liberties	Age	.297	8.8
	Political Party	.365	13.3
	Religion	.411	16.9
	Candidate	.417	17.4
	Years on Appeals	.440	19.4
	Prosecutorial Exper.	.447	19.9
	Prior Judicial	.447	19.9
Labor	Political Party	.421	17.7
	Age	.491	24.1
	Religion	.551	30.3
	Prior Judicial	.581	33.8
	Candidate	.582	33.9
	Years on Appeals	.606	36.8
	Prosecutorial Exper.	.609	37.1
Private Economic	Political Party	.265	7.0
	Age	.294	8.6
	Religion	.304	9.2
	Prior Judicial	.335	11.2
	Candidate	.347	12.1
	Years on Appeals	.355	12.6
	Prosecutorial Exper.	.357	12.8
Gov't Fiscal	Political Party	.062	0.4
	Age	.098	0.9
	Candidate	.228	5.2
	Religion	.232	5.4
	Prior Judicial	.238	5.7
	Years on Appeals	.275	7.5
	Prosecutorial Exper.	.278	7.7
Injured Persons	Political Party	.379	14.3
	Age	.397	15.8
	Religion	.528	27.8
	Candidate	.530	28.1
	Prior Judicial	.532	28.3
	Years on Appeals	.553	30.6
	Prosecutorial Exper.	.557	31.0
Political Liberalism	Political Party	.316	9.9
	Age	.383	14.7
	Religion	.419	17.6
	Candidate	.424	17.9
	Prior Judicial	.424	18.0
	Years on Appeals	.438	19.2
	Prosecutorial Exper.	.446	19.9
Economic Liberalism	Political Party	.389	15.2
	Age	.426	18.2
	Religion	.469	21.9
	Candidate	.471	22.2
	Prior Judicial	.472	22.3
	Years on Appeals	.474	22.5
	Prosecutorial Exper.	.475	22.5
Activism	Age	.220	4.9
	Political Party	.260	6.8
	Religion	.342	11.7
	Candidate	.345	11.9
	Prior Judicial	.346	12.0
	Prosecutorial Exper.	.352	12.4
	Years on Appeals	.353	12.4
Dissents	Political Party	.063	0.4
	Age	.065	0.4
	Religion	.066	0.4
	Prior Judicial	.194	3.8
	Candidate	.198	3.9
	Years on Appeals	.222	4.9
	Prosecutorial Exper.	.234	5.5

Note that Democrats, Protestants, candidates, those with prior judicial experience, and those with previous prosecutorial experience were assigned a higher numerical value than those who were not in those groups. Age was determined as of January 1, 1968. Years on appeals was as of January, 1971.

cent for the labor issue, 31 per cent for the injured persons issue, but only about 22 per cent for the economic liberalism scores. Since party and age were the two variables determined by previous analyses to be most associated with the issue voting, they were first fed into the regression analysis with the other variables following.

Table 7 suggests that the party variable was the single most important of the seven background variables in accounting for the variation of the scores for the criminal procedures, labor, private economic, injured persons, political liberalism, and economic liberalism issues. Age appears to have been the single most important background variable for civil liberties and (along with religion) the voting on activism. Table 7 also suggests that prior judicial experience was the most important variable for the dissents category and that the candidate for public office variable contributed the most to explaining the variation of the government fiscal scores. Since the stepwise routine requires us to specify the order in which the independent variables are to be entered and tells us only what happens to the variance when we suc-

Table 8. Correlation Analysis of Background Variables and Scores on Issues

Issue	Background Variable	Zero-Order Correlation with Issue	Partial Correlation (Sixth Order) with Issue	% of Variance Explained
Criminal Procedures	Political Party	.304	.198	3.9
	Age	−.285	−.231	5.3
	Religion	−.253	−.220	4.8
	Candidate	−.117	−.032	0.1
	Prior Judicial	−.054	−.002	0.0
	Years on Appeals	−.082	.126	1.6
	Prosecutorial Exper.	−.109	−.080	0.6
Civil Liberties	Age	−.297	−.286	8.2
	Political Party	.286	.174	3.0
	Religion	−.185	−.203	4.1
	Candidate	−.080	.017	0.0
	Years on Appeals	−.122	.150	2.2
	Prosecutorial Exper.	−.112	−.084	0.7
	Prior Judicial	.085	.131	1.7
Labor	Political Party	.421	.346	12.0
	Age	−.389	.009	0.0
	Religion	−.298	−.268	7.2
	Prior Judicial	−.207	−.266	7.1
	Candidate	−.215	−.094	0.9
	Years on Appeals	−.312	−.216	4.7
	Prosecutorial Exper.	−.004	.076	0.6
Private Economic	Political Party	.265	.277	7.7
	Age	.035	.003	0.0
	Religion	−.141	−.113	1.3
	Prior Judicial	−.107	−.111	1.2
	Candidate	.016	.087	0.8
	Years on Appeals	.152	.084	0.7
	Prosecutorial Exper.	−.010	.046	0.2
Gov't Fiscal	Political Party	−.062	−.045	0.2
	Age	−.050	.087	0.8
	Candidate	−.215	−.204	4.2
	Religion	.042	.030	0.1
	Prior Judicial	−.024	−.014	0.0
	Years on Appeals	−.142	−.146	2.1
	Prosecutorial Exper.	−.038	−.044	0.2
Injured Persons	Political Party	.379	.220	4.8
	Age	−.244	−.267	7.1
	Religion	−.357	−.402	16.2
	Candidate	−.034	.077	0.6
	Prior Judicial	.056	.003	0.0
	Years on Appeals	−.043	.162	2.6
	Prosecutorial Exper.	−.145	−.082	0.7
Political Liberalism	Political Party	.316	.228	5.2
	Age	−.266	−.224	5.0
	Religion	−.223	−.199	4.0
	Candidate	−.107	−.048	0.2
	Prior Judicial	−.031	.042	0.2
	Prosecutorial Exper.	−.107	−.090	0.8
	Years on Appeals	−.079	.112	1.2

Table 8. (*Continued*)

Issue	Background Variable	Zero-Order Correlation with Issue	Partial Correlation (Sixth Order) with Issue	% of Variance Explained
Economic Liberalism	Political Party	.390	.319	10.2
	Age	−.262	−.152	2.3
	Religion	−.255	−.222	4.9
	Candidate	−.023	.064	0.4
	Years on Appeals	−.143	.044	0.2
	Prosecutorial Exper.	−.043	−.023	0.0
	Prior Judicial	−.065	−.030	0.1
Activism	Age	−.220	−.103	1.1
	Political Party	.202	.102	1.0
	Religion	−.245	−.213	4.5
	Candidate	−.177	−.038	0.1
	Prior Judicial	−.032	−.046	0.2
	Prosecutorial Exper.	.014	.059	0.4
	Years on Appeals	−.169	−.029	0.1
Dissents	Political Party	.063	.037	0.1
	Age	−.027	−.073	0.5
	Religion	.001	.018	0.0
	Prior Judicial	−.182	−.154	2.4
	Candidate	−.059	−.044	0.2
	Years on Appeals	.087	.113	1.3
	Prosecutorial Exper.	.040	.073	0.5

cessively add another variable, we cannot precisely account for the contribution of each variable acting by itself with all other variables held constant. Therefore, partial correlation analyses were undertaken in order to specify more accurately the unique contribution of each variable. Table 8 reports the results.

As is apparent from Table 8, the background variables emerge somewhat differently than they did previously. The party variable is seen as of less importance than the age and religion variables for voting on criminal procedures and civil liberties issues and of about the same importance as age on the political liberalism dimension. Only on three of the four economic underdog-type issues (labor, private economic and economic liberalism) does party emerge as the most important background variable when all other variables are held constant. The age variable is superior to the party variable in accounting for the variance[31] of the criminal procedures, civil liberties, and injured persons scores. Religion is the most important variable for the injured persons and activism issues; second most important (more than party) for the criminal procedures and civil liberties issues; and second only to party on the labor, private economic, and economic liberalism issues. The prior judicial experience variable was essentially tied with religion as second most important variable for the labor issue and was the most important of the seven variables for the dissents category (although accounting for a negligible proportion of the variance, only 2.4 per cent). The candidate variable was the most important one for the government fiscal issue.

The principal findings, however, were that Democrats, Catholics and younger judges tended to be more liberal (i.e., had higher scores) than

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[31] Percentage of variance explained is derived from the partial correlation. See Norman H. Nie, Dale H. Bent, C. Hadlai Hull, *Statistical Package for the Social Sciences* (New York: McGraw-Hill, 1970), p. 161. This follows Bowen, "The Explanation of Judicial Voting Behavior," and S. Sidney Ulmer, "Revising the Jurisdiction of the Supreme Court: More Administrative Reform or Substantive Policy Change?" *Minnesota Law Review*, 58 (November, 1973), pp. 149–151. But see Ulmer, "Social Background as an Indicator," Table 3, p. 626. Andrews et al., *Multiple Classification Analysis;* note that "the partial correlation (when squared) assesses the importance of a predictor in terms of the variance in the dependent variable marginally explainable by the predictor relative to the *as-yet-unexplained variance*" (italics in the original, p. 35). Stuart Nagel has argued in "Multiple Correlation of Judicial Backgrounds and Decisions," p. 274, that the proportion of variance of each independent variable should be calculated by multiplying the standardized regression coefficient by the zero order correlation coefficient. But see J. P. Guilford, *Fundamental Statistics in Psychology and Education,* fourth edition (New York: McGraw-Hill, 1965), pp. 399–400, 414.

Republicans, Protestants and older judges. Judges who had previous judicial experience tended to be more conservative on the labor issue and to dissent less than those who did not have such experience. Those who did not have the experience of being a candidate for public office tended to support the government more in fiscal cases than did those who had run for elective office. But none of these variables individually accounted for more than 16 per cent of the variance of the voting on any of the issues. The party variable's contribution ranged from essentially zero for government fiscal and dissents to 12 per cent for the labor issue. The age variable's contribution ranged from zero on labor, private economic, and dissents to 8 per cent for civil liberties. Religion varied from zero for government fiscal and dissents to 16 per cent for injured persons.

Multiple regression and partial correlations were also run with the southern circuits excluded and the proportion of explained variance was found to be greater. All seven background variables explained about 58 per cent of the variance of the labor scores and this was the largest amount of explained variance. In general, with the South excluded, background variables explained *up to twice* as much of the variance with the exception of the dissents category which remained virtually unchanged.[32] The party variable's biggest contribution was on the labor issue with 37 per cent of the explained variance. The age variable's contribution ranged from zero on the labor, private economic, government fiscal, and dissents categories to about 18 per cent for civil liberties (the most important of the variables on that issue). Interestingly, the religion variable lost its potency on all issues with the most dramatic change with the injured persons issue where the explained variance fell to 3.7 per cent.

In some ways this study was a more rigorous test of the backgrounds-behavior hypotheses than the earlier study of voting behavior of appeals court judges. This study utilized only nonunanimous cases decided during twice the time span covered by the earlier research. More sophisticated methods were used to test the hypotheses. In the final analysis, however, it was found that basically a principal conclusion of the earlier study has held up. The party variable is apparently best associated with voting on issues concerning economic liberalism. More rigorous methods, to be sure, permitted the detection of the effects of other variables, notably age and to an extent religion (however relatively minor the effect), not previously suspected. Perhaps most important, by in part replicating Bowen's study and coming up with some findings similar to his, we find that the background variables tested including the party variable cannot account for much of judicial voting behavior.[33]

Summary and Conclusions

Investigation of voting behavior of judges on the eleven courts of appeals in 2,115 nonunanimous decisions during a seven-year period revealed the following:

(1) Voting patterns on the circuits suggested the existence of interrelated political attitudes and values held by judges. This finding was also supported by separately conducted bloc analyses and the scaling of *en banc* decisions and was the same as that of the earlier study of appeals courts. It therefore appears reasonable that the judicial behavior of appeals court judges be interpreted as representing gradations of broadly defined political and economic liberal-conservative attitudes.[34]

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[32] The proportion of explained variance of the remaining categories follows: criminal procedures, 30 per cent; civil liberties, 42 per cent; private economic, 23 per cent; government fiscal, 13 per cent; injured persons, 47 per cent; political liberalism, 30 per cent; economic liberalism, 29 per cent; and activism, 26 per cent.

[33] It may be that the background variables tested here are simply too crude and that more refined variables would yield more impressive results. It is the view of this researcher, however, that while backgrounds of course represent life experiences which nurture and shape political attitudes and values, this is such a dynamic and complex process subject to biological, environmental, political system, and judicial system variables among others that we ought not to be surprised that relatively little association of background variables to the voting behavior of aggregates of judges has been found. But see Ulmer, "Social Background as an Indicator." In general, see Glendon Schubert, "Justice and Reasoning: A Political Science Perspective," *Rivista Internazionale Di Filosofia Del Diritto,* 46 (October, 1969), 474–496 and Fred Kort, "A Special and a General Multivariate Theory of Judicial Decisions," paper presented at the 1974 Annual Meeting of the American Political Science Association.

[34] Perhaps it would be more accurate to conclude that judges *behave as if* they held attitudes which we have inferred from their voting patterns. It is clear nonetheless that numerous studies over the years which have uncovered voting patterns from which attitudes could be plausibly inferred (see, for example, the discussion and citations in Schubert, "Judicial Process and Behavior, 1963–1971"), as well as the replication in this revisit of earlier attitudinal findings, provide support for emphasizing the attitudinal variable in the explanation of voting behavior. There is still other evidence for inferring attitudes from the voting patterns of appeals judges. In interviews with 27 appeals judges the author found that 21 judges (i.e., 78 per cent) attributed dissension on their courts to *attitudinal* cleavages in the broader political sense. See Goldman, "Conflict and Consensus," pp. 474–476. More recently, Judge Henry J. Friendly of the second circuit conceded in a law review symposium that it is "in the closest cases that such attitudes may tip the balance." Henry J. Friendly, "Of Voting Blocs, and Cabbages and Kings," *University of Cincinnati Law Review,* 42 (No. 4, 1973), 677.

This in turn implies that to some extent the outcome of a case will be determined by who sits on the three member appeals panel. Furthermore, the difference in dissent rates of the circuits is also likely to result from the different attitudinal predispositions of the judges and the particular combinations of judges on the panels.[35]

(2) Among the seven background variables tested for their association with voting behavior, party and age emerged as the most important. Party was seen as dividing the judges on most issues, with the Democrats tending to be more liberal than the Republicans. Circuit-by-circuit analysis suggested that the party split was most pronounced on economic issues. Partial correlational analyses also suggested that party was most important for the economic liberalism issues. Older judges tended to be more conservative than younger judges on most issues, but the partial correlations suggested that age was most important for the political liberalism issues. Religion was associated particularly with the injury and economic liberalism issues, with Catholic judges tending to be more liberal than Protestant judges (but the partial correlations also suggested some association of religion with other issues). The multiple correlations, however, were generally low; indeed, 37 per cent was the largest proportion of the variance accounted for by the background variables and that was only for the labor issue (although with the South excluded this rose to 58 per cent). On balance, party and age seemed to have some limited importance in explaining the variance in judicial behavior, and the other background variables appeared negligible (with the possible exception of religion).[36]

These findings lend some slight encouragement to backgrounds-behavior research at the aggregate level. If such research is pursued, a theoretical framework should be developed that will suggest which of the background variables one should attempt to relate to behavior. The party variable, which has been accorded theoretical treatment of this kind, should probably be considered, along with the regional variable (recall the findings when the southern circuits were excluded). The historical time period should perhaps also be taken into account.[37] The age variable presents a special challenge for judicial behavior. The variable, after all, is a dynamic one, and the age hypothesis seems to suggest that judges grow more conservative as they grow older.[38] This proposition deserves closer scrutiny using the voting records of individual judges. The challenge to the analyst is to be able to demonstrate that, for example, Justice Hugo Black's more conservative voting behavior in his last decade on the Supreme Court can best be explained by the aging process. When Glendon Schubert offered such an explanation[39] it is instructive to note that several scholars rushed to defend Justice Black and, among others, Sidney Ulmer offered a very different interpretation of Black's behavior.[40] Thus, the age variable is likely to be troublesome even as scholars undertake painstaking analyses of actual changes in the voting behavior of individual judges over time.[41]

The principal findings of this study for the most part are similar to the main findings of the earlier study. Unanswered by this research is, at what point, if any, does the exercise of judicial discretion begin to work injustices? Indeed is it possible to answer this question objectively?[42]

The findings reported here might also be considered in terms of the judicial selection process. For example, one could take the position that as long as the party variable does not account for all or almost all of the variance in voting behavior there is little reason to oppose the traditional political appointment process. On the other hand, the increased ideological polarization in our national politics during the past decade should alert us to how this polarization is affecting the selection process and what sorts of judges are coming onto the bench.[43] It may be useful, therefore, to have continual monitoring of the exercise of discretion of appeals judges with reference to what values are allocated and what are the broader societal consequences of those allocations. In sum, then, such research can provide insight into why judicial authorities allocate values the way they do as well as helping students of the judiciary and others evaluate judicial systemic mechanisms and processes, including judicial selection.

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[35] Also see Atkins, "Judicial Behavior and Tendencies Towards Conformity," and Richard J. Richardson and Kenneth N. Vines, "Review, Dissent and the Appellate Process: A Political Interpretation," *Journal of Politics,* 29 (August, 1967), 597-616.

[36] In a sense, the backgrounds explanation of the voting behavior of appeals judges is in competition with the attitudinal explanation, yet it is only the background variables that are tested directly in terms of their contribution in explaining the variance of the voting behavior on the various issues. It should be pointed out, however, that one can interpret the correlation coefficients in Table 3 in terms of two-variable relationships to suggest that attitudes explain a larger proportion of the variance than do background variables. When one examines the zero order correlations of the background variables to each issue as reported in Table 8, we find they are generally considerably lower than those of Table 3.

[37] Cf. Beiser and Silberman, "The Political Party Variable."

[38] See the excellent summary of the literature concerning the age hypothesis in Norval D. Glenn, "Aging and Conservatism" in *Political Consequences of Aging,* Frederick R. Eisele, ed., *The Annals* (Philadelphia: Academy of Political and Social Science, September, 1974), pp. 176–186.

[39] Glendon Schubert, *The Constitutional Polity* (Boston: Boston University Press, 1970), pp. 118–129.

[40] S. Sidney Ulmer, "The Longitudinal Behavior of Hugo Lafayette Black: Parabolic Support for Civil Liberties, 1937–1971," *Florida State University Law Review,* 1 (Winter, 1973), 131–158. Also see S. Sidney Ulmer, "Dimensionality and Change in Judicial Behavior," in *Mathematical Applications in Political Science,* VII, ed. James F. Herndon and Joseph L. Bernd (Charlottesville: University Press of Virginia, 1974), pp. 40–67.

[41] Indeed, as Norval Glenn in "Aging and Conservatism" suggests with reference to the sociological literature, "Empirical evidence on the topic is not definitive; moreover, in view of intransigent methodological problems which plague the study of aging effects, the evidence may never be definitive" (p. 176).

[42] But see Harold J. Spaeth, David B. Meltz, Gregory J. Rathjen, and Michael V. Haselswerdt, "Is Justice Blind: An Empirical Investigation of a Normative Ideal," *Law and Society Review,* 7 (Fall, 1972), 119–137.

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[43] With regard to the Supreme Court see S. Sidney Ulmer, "Supreme Court Justices as Strict and Not-So-Strict Constructionists: Some Implications," *Law and Society Review,* 8 (Fall, 1973), 13–32.

Development Policy and the Possibility of a "Livable" Future for Latin America*

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Latin American development has reached the point where it is necessary to ask some fundamental questions about its future and its policy implications. More precisely, it is essential to pose starkly the choice between (a) dramatic increases in savings and investment, the foregoing of present consumption, and the sacrificing of one or two or more generations; and (b) a radically different approach emphasizing distribution over growth and concentrating on policy measures designed to produce "livable" rather than wealthy societies. The probable side effects of the high-investment, high-growth strategy, when analyzed in conjunction with the structural conditions under which contemporary Latin American development is occurring (high rates of population increase, "redundant" work forces, external dependency, an increasing "gap" between poor countries of Latin America and rich countries of the industrialized world), argue for increased attention to the second alternative. A discussion of this alternative occurs in this article, which is intended to rethink some problems of development policy in contemporary Latin America and to think about some possible reorientations.

That Latin American development may need to be fundamentally reconceptualized is a proposition which is likely to receive considerable support. Thus, Raúl Prebisch, the head of the Latin American Institute of Economic and Social Planning (ILPES), calls for "a new type of development in Latin America" and argues that "this new type of development cannot be based solely on import substitution. . . ."[1] Osvaldo Sunkel, the well-known Chilean economist, asserts that the region is "in the midst of a profound structural crisis; future growth will have to find new dynamic forces. A new development strategy is therefore called for."[2] And Carlos F. Diaz-Alejandro, the Yale economist, notes that "fast future growth cannot arise from further import substitution of the type registered during the last thirty years. Imaginative use of other policy tools . . . will be required. . . ."[3]

What is interesting, however, is that neither Prebisch nor Sunkel nor Diaz-Alejandro (nor any other observer of whom I am aware) is at all precise about what the "new type of development" or "the new developmental strategy" or the "imaginative policy tools" might be. It is apparent that such precision is unlikely to be forthcoming in the absence of a new "vision" of the future of Latin American development. The currently reigning vision stems from "an implicit assumption that highly populated, urban-industrial societies are the proper goal of development. . . ."[4] It is a common opinion that "the most obvious signs of a modernizing society are a growing concentration of people in cities and a larger role for industry in the economy."[5] Simply put, the reigning vision is dominated by efforts to duplicate the growth experiences of advanced capitalist economies. But this vision seems increasingly ill-founded if it is considered unlikely "that the less developed societies have much chance to achieve anything that could be called 'development,' " or if it is believed that "the poor nations, rather than seeking to emulate the rich, need to redefine development so that it does not involve great affluence which can probably never be achieved. . . ."[6] What is needed is a vision of the "livable" or "workable" society and some discussion of the policy implications of livability or workability. For there is considerable validity in Charles Anderson's argument that "the realistic problem of development is not how to create standards of living like those in the industrialized nations, but how to create workable, decent societies in lands that will still be poor by comparative standards of material wealth."[7]

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[1] Raúl Prebisch, *Change and Development—Latin America's Great Task,* Report Submitted to the Inter-American Development Bank (New York: Praeger, 1971), p. 48.

[2] Osvaldo Sunkel, "Underdevelopment in Latin America: Toward the Year 2000," in *Economics and World Order,* ed. Jagdish N. Bhagwati (New York: Macmillan, 1972), pp. 215, 218.

[3] Carlos F. Diaz-Alejandro, "Latin America: Toward 2000 A.D.," in Bhagwati, ed., pp. 242, 245.

[4] Edward J. Woodhouse, "Re-visioning the Future of the Third World: An Ecological Perspective on Development," *World Politics,* 25 (October, 1972), 1.

[5] Douglas A. Chalmers, "The Demystification of Development," in *Changing Latin America,* ed. Chalmers (New York: The Academy of Political Science, 1972), p. 111.

[6] Woodhouse, p. 30.

[7] Charles W. Anderson, "The Changing International Environment of Development and Latin America in

Accordingly, this article first undertakes to document the record of policy failures in the recent development of Latin America—policy failures which have contributed to the contemporary crisis in the development of the region. It then attempts to present some alternatives for the future of development policy in the region, concentrating on the alternative of "soft" development and livability. It sketches out some of the manifold policy implications of such an option. It attempts, therefore, to take very seriously the consequences and implications of the fact that Latin America simply will not follow the general patterns of Western industrial development nor attain the material standards of the industrialized societies.

In introducing the subject, I must begin with two further considerations. First, I do not argue that everything which has been done hitherto to bring about economic development in Latin America has not succeeded. Such an argument would clearly overlook some of the achievements of the post-1945 period—such as the construction of very extensive infrastructures of transportation, communication, and electric power or the development of considerable indigenous capacity for producing many consumers' goods. What I *do* argue, however, is that the principal policy emphases of the postwar period—which are perhaps inadequately summarized in the phrase "import-substituting industrialization"—have created and exacerbated a number of crucial problems for the future of Latin American development, problems whose resolution simply will not occur through persisting in the policies of the past. This suggests the danger of conceptualizing the present crisis of Latin American development as a "crisis of transition" from an import-substitution phase to a post-import-substitution phase. If the creation or exacerbation of some extremely serious developmental problems seems virtually endemic to the phase of import-substitution, one must ask whether that phase is truly necessary or, at the very least, whether it cannot be carried out in some significantly different ways.

This is a vitally important question for countries whose development apparently lags behind some of the supposedly more developed countries of the Third World. Should Nigeria, for example, seek to emulate Brazil and Mexico? Those who view development in terms of the sequential progression of phases (from export-oriented growth to import-substituting industrialization to the post-import-substitution phase) would probably argue that it should. But I would argue that the legacy of problems created by the kind of development which Latin America has experienced since 1945 is so great as to call into question the essential contours of its development model, and to call into question whether such a model is a blueprint for anything except lopsided, nonintegrated growth. Such a view will obviously lead me to diverge fundamentally from those who emphasize the benefits and successes of postwar policies. They, for example, might interpret the reduction of the import coefficient as a success; I believe that such a reduction masks increased "dependency" through the expenditure of greater amounts of foreign exchange on inputs needed to produce domestically goods previously imported, and that not enough attention is given to the concentration of economic and political power among import-substituting monopolists and oligopolists. Further, the emphasis on success in reducing imports overlooks the basic point of whether the goods in question were really needed anyway.

These comments are directly relevant to a second introductory consideration, namely that concerning the "Brazilian economic miracle." For a natural rejoinder to arguments about the crisis of Latin American development will be: How can I speak about crises when I have in my region the example of Brazil—the fastest growing country, the Japan or West Germany, the "miracle" of the Third World? My basic argument is that the case of Brazil is a "miracle" only if attention is paid to aggregate, quantitative growth rates (about which there is increasing disquiet among economists); that it has essentially been growth at the expense of increased inequality and increased structural dependence; and that it is growth which therefore does not resolve in any fundamental manner the problems raised throughout this paper.

Indicators of the Crisis of Development

Three general areas are indicative of the legacy of problems to which I have referred.

Economic Growth Rates. Perhaps the most widely discussed economic indicators are the growth rates of total or per capita product. These generally show the insufficient rate of economic expansion in Latin America. According to official estimates of the Economic Commission for Latin America (ECLA), only two of the countries of continental South America (Bolivia and Brazil) attained the Alliance for Progress target of raising per capita income by 2.5 per cent annually during the decade of the 1960s. Some important countries of the region fell considerably short of this goal. In Argentina, for example, the annual average growth rate of per capita product was only

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the 1970's," *Inter-American Economic Affairs*, 24 (Autumn, 1970), 80.

1.9 per cent; in Venezuela, only 1.3 per cent; while in Uruguay the average growth during the 60s was actually negative, −0.6 per cent.[8]

All of this is quite serious when one realizes that the average figures mask incredible disparities within the region. It has been estimated that for half the population of Latin America the per capita annual average income is only about $120, while for the upper 5 per cent of the population, it is $2,600.[9] Some idea of the future in store for the lower half may be obtained by noting that a poor nation with a per capita income of $100 in 1968 would need to grow at a yearly per capita rate of 3 per cent in order to reach a per capita income of only $275 by the year 2000.[10] But even a 3 per cent per capita growth rate may be beyond the reach of the vast majority of Latin American countries.

The conclusion seems inescapable that between now and the year 2000 the income gap between developed and developing countries will widen in absolute and probably also in relative terms.[11] The comparisons between Latin America and the developed world are not as unfavorable as those for other developing areas, but they are still far from producing optimism. According to one widely cited estimate, the per capita GNP of North America would be 9 times greater than the per capita GNP of South America in 2000, whereas in 1965 it was only 7.4 times greater.[12] Even extremely optimistic assumptions about growth rates are sobering, for if less developed countries somehow manage to raise annual per capita income 2 per cent faster than rich countries, they would still require 150 years to close the income gap.[13] And it seems most unlikely that they will in fact grow faster, i.e., that any Latin American nation can achieve standards of living like those in the industrialized nations within a time span that is conceivable and relevant for human action.

A fundamental reality of the Third World and Latin American futures, therefore, is that of insufficient economic dynamism. The implications of this fact are only now beginning to be discussed, and chief among them are the implications for the future of development policy. Should such policy proceed along recent lines, on the assumption that development breakthroughs, industrialization, and generalized economic advance via "trickle-down" effects will ultimately occur? Or should it seek alternative paths, on the assumption that the unlikelihood of attaining Western-type economies calls for a whole new approach to development?

Employment Consequences. A concomitant of the insufficient rate of economic expansion in Latin America is the worsening employment situation. Both the agricultural and industrial sectors manifest insufficient employment generation or absorptive capacity. From 1950 to 1960, urban population grew at an annual rate of 5.6 per cent, but industrial employment grew at only 2.1 per cent.[14] The recent Prebisch report submitted to the Inter-American Development Bank (IDB) points out the astonishing fact that "the proportion of the nonagricultural labor force in the industry group has fallen from 35 per cent in 1950 to 31.8 per cent in 1965 and slightly less than 30 per cent at present, according to estimates for 1970. . . ."[15] Two main consequences are the swelling of the "redundant" services sector and dramatic increases in urban unemployment. Findings for Colombia are particularly dramatic. According to a recent study of the International Labor Organization (ILO), a continuation of recent employment trends would produce 4 million unemployed by 1985—equivalent to more than one-third of the Colombian labor force![16] The Prebisch report concludes that the Latin American region would have to sustain an annual total growth rate of 7 per cent for the next two decades *merely to correct the distortions in the employment structure, i.e., to return the proportion*

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[8] Economic Commission for Latin America (ECLA), *Economic Survey of Latin America, 1969, Part One: Basic Aspects of Latin American Development Strategy,* Mimeo version (Santiago: United Nations Department of Economic Affairs, 1970), p. 7.

[9] *Ibid.,* p. 13.

[10] Bruce M. Russett, "Rich and Poor in 2000 A.D.: The Great Gulf," *Virginia Quarterly Review,* 44 (Spring, 1968), 184.

[11] This conclusion must be tempered with the caution that much of the large incomes of the highly industrialized countries are more obvious than real when viewed in terms of real income or welfare of the people of those countries. On the side of the industrialized countries, that is, the "gap" is exaggerated by the inclusion of waffle irons and hot combs. On the other hand, it is exaggerated for the underdeveloped countries by the frequently cited underestimation of such things as personal services, family employment, and so forth.

[12] Herman Kahn and Anthony Wiener, *The Year 2000* (New York: Macmillan, 1965), p. 139.

[13] Goran Ohlin, "The Contemporary Consequences of the Gap," in *The Gap Between Rich and Poor Nations,* ed. Gustav Ranis (London: Macmillan, 1972), p. 65.

[14] Ian Little, Tibor Scitovsky, and Maurice Scott, *Industry and Trade in Some Developing Countries* (London: Oxford University Press, 1970), p. 83.

[15] Prebisch, p. 30.

[16] The study is International Labor Organization, *Towards Full Employment* (Geneva, 1970). The findings are cited in Derek T. Healey, "Development Policy: New Thinking About an Interpretation," *Journal of Economic Literature,* 10 (September, 1972), 767.

of the economically active population in industry to its World War II level.[17]

Only recently have economic authorities begun to reflect on the severe consequences of such employment trends for the Latin American countries and on their implications for the future of development policy. Political scientists are even more obvious latecomers to this general area of inquiry. Has anyone given sufficient attention to the *political* implications of a situation in which approximately 40 per cent of a country's labor force is unemployed? What conceivable model of "political development" will facilitate the analysis of such an intuitively implausible phenomenon?

Income Distribution Consequences. A third manifestation of the inadequacy of development policy concerns its consequences for income distribution. The overall inequality of income distribution appears significantly greater in Latin America than in most industrialized countries. The 5 per cent at the top of the distribution receive more than 30 per cent of total regional income—a share which is much larger than their share in the industrialized countries. The lower half of the Latin American distribution receives only 13.4 per cent of all personal income. Specific countries do not deviate greatly from these regional figures. In Venezuela, for example, the entire lower half of the distribution receives only 14.3 per cent of total personal income.[18]

An important aspect of Latin American income distribution is its urban-rural disparities. In general, average urban incomes are more than double the rural average in nearly the entire region.[19] In Chile, for example, average income in agriculture in 1960 was only 696 escudos (in 1960 escudos), but it was 1549 in manufacturing industry. If 100 is taken as the national average income per active worker, the index for the worker in Chilean agriculture in 1960 was only 45.2.[20]

Furthermore, there is some scattered evidence that things are getting worse instead of better. An important study concludes that Third World industrialization policies have contributed to inequalities in the distribution of income and notes that in many developing countries (e.g., India) such inequalities increased in the late 1950s and the 1960s.[21] Albert Fishlow has recently demonstrated adverse trends in Brazilian income distribution between 1960 and 1970.[22] For Chile, average income increased by only 7.8 per cent in the agricultural sector between 1950 and 1960, but increased by 14.9 per cent in manufacturing industry.[23] The Mexican case reveals a tendency which may be more and more typical in Latin America, viz., some increase in the income share of the middle brackets. If actually occurring, this trend would have significant implications for the politics of the region. But even for Mexico, the share of income obtained by the top 5 per cent of families has been estimated as either not changing at all or as increasing between 1956 and 1963.[24] In the light of these facts, it is clear that the debate surrounding the tradeoffs between distribution and growth will be at the heart of intellectual and policy conflicts during the next decade or more.

In analyzing these distressing trends relating to insufficient economic expansion, growing unemployment, and increasingly regressive income distribution, several alternative explanatory strategies have been invoked. One emphasizes *external constraints on development*, particularly the constraints stemming from Latin America's external dependency. According to this line of argument, Latin American development is conditioned and retarded by the region's dependent location in the international system of capitalist economic relations. Economic dynamism in the "periphery" is not in the interests of the advanced "center" countries, and an improvement in the lot of the most disadvantaged sectors of the peripheral countries is not in the interests of the dependent bourgeois elites who are a main element of the

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[17] Prebisch, p. 94. It has been argued that these figures on industrial employment are misleading because previously they included artisan shops, work done at home, and similar things as "industrial employment." I have been unable to locate statistical sources which confirm or deny this assertion about changes in the categorization scheme. The evidence with which I am familiar continues to point in the directions indicated in this paragraph. While factory industry may have greatly expanded its contribution to GNP, it has not proportionately expanded its contribution to the employment structure. An instructive article dealing with this point is Glaucio Ary Dillon Soares, "The New Industrialization and the Brazilian Political System," in *Latin America: Reform or Revolution?*, ed. James Petras and Maurice Zeitlin (Greenwich, Conn.: Fawcett, 1968), pp. 186–201. The author explicitly notes (p. 197) that "the Brazilian industrialization has been unable to absorb the growing urban population. It is interesting to emphasize that these tendencies have gone hand in hand with a high rate of growth in industrial *production* and with an increase in productivity."

[18] ECLA, "Income Distribution in Latin America," Mimeo version (Santiago, 1970), pp. 5, 30, 46.

[19] *Ibid.*, p. 93.

[20] Comité Interamericano de Desarrollo Agrícola (CIDA), *Chile: Tenencia de la Tierra y Desarrollo Socio-Económico del Sector Agrícola* (Santiago, 1966), pp. 19-20.

[21] Little et al., p. 6.

[22] Albert Fishlow, "Brazilian Size Distribution of Income," *American Economic Review*, 62 (May, 1972), 391–402.

[23] CIDA, *Chile: Tenencia de la Tierra. . . .*, p. 19.

[24] William R. Cline, *Potential Effects of Income Redistribution on Economic Growth: Latin American Cases* (New York: Praeger, 1972), p. 106.

"infrastructure of dependency" in such countries.[25] A second line of analysis concentrates on *the nature of political "regime types"* in Latin America. The principal obstacles to economic change are seen as certain deficiencies of political regimes. For "reformists," the problems lie with "neo-liberal" regimes which allegedly give attention only to the "modern" sectors. For "revolutionaries," the problems lie with reformists and their muddled conceptualizations of the development task. For "developmental militarists," the problems lie with the bankruptcy of civilian elites of whatever persuasion. But models of "reformism," "revolution," or "developmental militarism" are relatively short on political-economic insights. It is certainly not self-evident that revolutionaries have promoted economic dynamism more than reformists, nor is it clear that reformists have tackled the employment problem better than "neo-liberals," nor is it even clear that revolutionaries are definitely to be preferred on income distribution grounds.[26]

Rather than focusing exclusively on the external constraints surrounding Latin American development or concentrating on abstract speculations about the type of regime most likely to facilitate growth or employment, I choose here to emphasize some *specific policy failures* that seem to have contributed to the trends previously discussed. In effect, I seek to get out from under both the usual arguments about the strangulating effects of imperialism and the debates involving whether socialism or capitalism or reformism or revolution is the prescribed course for Latin American development. Although I certainly do not deny the existence of any reciprocal interactions among "type of regime," "imperialism," and "specific policies," I prefer to emphasize the latter. What, then, are some examples of such policy failures, and what do they imply for the future of development policy in the region?

Policy Failures and Their Implications

Import-Substituting Industrialization. One example of an apparent failure is the policy of import-substituting industrialization. The rubric of import substitution actually includes a diversified host of policy instruments, including protective tariffs and exchange controls; various special preferences for the importation of raw materials and intermediate goods; the provision of credit at modest rates for the construction of domestic industries; governmental supply of industrial infrastructure; and governmental participation in industry through development institutes and corporations.[27] The intent, largely inspired by the apparent collapse of the model of export-oriented growth with the depression of the 1930s, was to create domestic industrial structures which would free Latin American countries from their excessive dependence on imports from the industrialized world.

While I emphasize the costs and failures of import substitution, I am aware that others may see the matter differently. As noted, some would attach great importance to the reduction of the import coefficient, although it appears that for the region as a whole this did not fall as much as is generally assumed.[28] Nevertheless, it is true that import substitution made the economies of some individual Latin American countries less dependent on foreign trade than they had formerly been. (Whether this is good or bad depends, of course, on one's assessment of the role of foreign trade in economic development.) An additional case for import substitution can be made along the following lines:[29] (a) Import substitution will ultimately facilitate export expansion and diversification, since only when they have industries can countries export industrial products—and they have gotten industries through the process of import substitution. (b) Import substitution will ultimately lead to the development of indigenous technology. With the industrial base provided by import substitution, countries will be in a position to develop their own technology, whereas they could not have done so without this industrial base. (c) Import substitution has provided the basis for a program of agricultural development. With machinery production, chemical industries, and so forth, the major countries can now produce what they would have had to import on a permanent basis if an agricultural development program had been attempted before industrialization.

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[25] For these and similar arguments, see Susanne J. Bodenheimer, "Dependency and Imperialism: The Roots of Latin American Underdevelopment," *Newsletter of the North American Congress on Latin America* (NACLA), 4 (May-June, 1970), 18–27.

[26] Thus, one observer notes that "the differences in income distribution among different societies . . . at different ends of the political spectrum are just not dramatic enough. . . . It seems as if, in the long run, societies tend to gravitate towards similar income-distributional structures. . . ." See Bhagwati, "Economics and World Order from the 1970's to 1990's: The Key Issues," in Bhagwati, ed., p. 20. The empirical study of the Cuban case leads to some very real questions about movements toward wage equality under the Castro regime. See Roberto E. Hernandez and Carmelo Mesa-Lago, "Labor Organization and Wages," in *Revolutionary Change in Cuba,* ed. Mesa-Lago (Pittsburgh: University of Pittsburgh Press, 1971), pp. 209–249.

[27] These and others are discussed in Werner Baer, "Import Substitution and Industrialization in Latin America: Experiences and Interpretations," *Latin American Research Review,* 7 (Spring, 1972), 98.

[28] Intercountry differences are substantial in this regard. Thus, the value of imports of goods and services as a percentage of GDP fell in Argentina from 11.2 in 1948–9 to 6.6 in 1967. But in Chile the coefficient actually rose from 11.5 to 15.7 in this interval, and for Latin America as a whole, the decrease in the coefficient was only from 10.2 in 1948–9 to 9.9 in 1967. *Ibid.*, p. 103.

[29] I am indebted to an anonymous reviewer of the first draft of this manuscript for making these challenging arguments.

I cannot on balance subscribe to these assertions. Briefly, I believe that import-substituting industry has been marked by an inability to develop export markets. I doubt that the kind of technological development fostered by import substitution is appropriate for the kind of development I am advocating. And I disagree profoundly that a program of agricultural development must await a prior process of import substitution or that the machinery produced by import-substituting industries will most assist the people who really need help in Latin America's rural areas. These are all controversial subjects, however, and Joel Bergsman and Arthur Candal are undoubtedly correct when they argue that "it is much harder to compare actual results with those that might have come from some totally different policy that would not have included industrialization."[30]

In summary, the policies intended to promote industrial growth have not been unmitigated successes. In some countries, such as Chile, they led to the creation of inefficient industrial oligopolies. In others, they led to the proliferation of equally inefficient industrial establishments. The inefficiency of many industries is thought to have had adverse effects on overall product growth rates and to have contributed to a failure to stimulate exports of manufactured goods. Domestic industries, furthermore, required large imports of essential capital and intermediate goods. These led to increasingly severe balance-of-payments constraints on development and thus to increased financial dependence. The relative difficulty of moving from the "easy" (consumer goods) to the "difficult" (capital goods) stage of the process led to increasing observations about the "exhaustion" of import substitution.[31] The generally capital-intensive nature of the phenomenon has aggravated the region's employment problem. And the adoption of import-substitution policies has ultimately aggravated the distribution problem through their prejudicial effects on agriculture.

Distortions of Factor Prices and Markets. A set of policies integral to the import substitution strategy have apparently had such serious effects on employment that they should be emphasized separately. These are policies which have seriously distorted factor prices, leading to the encouragement of capital intensity and labor displacement. Such policies include overvaluation of the exchange rate, application of preferential exchange rates, duty-free importing of capital and intermediate goods, granting of industrial credit at artificially low or even negative rates of interest, and high-wage policies in the modern manufacturing sector.

What is frequently not realized is that such policies are often attributable to political factors rather than economic irrationality or stupidity. High-wage policies in the modern sector can frequently be explained by the incidence of organized trade unions in that sector and the sector's frequent dominance by foreign capital able to pay such wages and seeking to foster the development of clientele social classes in dependent states. The principal features of the operation of Latin American credit systems may in large part be explained by the over-representation of large agriculturalists and industrialists in credit-granting agencies. And many factor-distorting policies have been pursued because of their encouragement by bilateral and multilateral lending institutions, particularly by the U.S. aid program bent on stimulating exports of American capital goods. The net result of the political economy of capital intensity has been the aggravation of the Latin American employment problem and the posing of a dramatic conflict between the employment of labor and its productivity.

Policies Affecting (or Not Affecting) Income Distribution Directly. Specific governmental policies have also either aggravated or left untouched the disparities in income distribution already discussed. Social security programs in Latin America are almost exclusively limited to urban areas, and price control programs also favor the urban population.[32] Brazilian and Mexican agricultural policies have generally benefitted the large farmers and have done little to assist small-scale agriculturalists.[33] Latin American taxation policy is very dependent on indirect regressive taxes. Argentine, Brazilian and Colombian tax policies appear to do nothing to redistribute income. In the one country for which data are available—Argentina—governmental expenditure policy also has little redistributive effect.[34] Data on Latin American income distribution are therefore seen to be closely related to policies pursued by governments in the region.

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[30] Joel Bergsman and Arthur Candal, "Industrialization: Past Success and Future Problems," in *The Economy of Brazil,* ed. Howard S. Ellis (Berkeley: University of California Press, 1969), p. 47.

[31] These observations have, however, been partially challenged by Albert O. Hirschman in "The Political Economy of Import-Substituting Industrialization in Latin America," *Quarterly Journal of Economics,* 82 (February, 1968), 2–32.

[32] ECLA, "Income Distribution," p. 95.

[33] These assessments regarding Brazilian and Mexican agricultural policies are found in Little et al., p. 108.

Export Expansion and Diversification. I have alluded to the argument that import substitution should ultimately be expected to lead to export expansion and diversification. But while it may be true that "the only sound and lasting remedy for the external bottleneck is essentially to develop exports," it is also true that "changes in the internal structure of production . . . have had virtually no effect on exports."[35] Recent trade data show that Latin America's share of total world exports actually fell from 1960 to 1968—from 7.1 per cent in 1960 to 5.5 per cent in 1968. The average annual percentage growth of Latin American exports during the 1960s was lower than that for any other region in the world.[36] The region's trade problems are reflected in other ways as well: the lack of diversification of exports, which still consist largely of primary products (in Chile, for example, manufacturing exports accounted for only 3 per cent of the value of total exports in 1950 and only 5 per cent in 1967);[37] continuing deterioration in the region's terms of trade; and continued concentration in the geographical distribution of trade, i.e., except for Cuba there is scant trade with the socialist countries or developing countries of Asia and Africa. Related to these trade problems are external financial difficulties. Remittances of profits and interest, plus amortization and other payments on foreign capital, have come to represent more than 35 per cent of the current value of exports of goods and services for the region as a whole.[38]

It is tempting to focus on solely the external constraints and to blame the commercial policy of the industrial countries for Latin America's failure to expand its share of world export markets or to diversify the composition of its exports. But here again Latin American policies (or the lack thereof) are implicated. Systematic export promotion schemes have been adopted by few countries, and in some cases policies designed to foster exports have had counterproductive results. A recent study of trade policies in some developing countries concludes that Argentina, Brazil and Mexico have all neglected possibilities for expanding exports.[39] The authors of the study are frankly quite dumfounded at the small or negligible exports of some of the Latin American countries in commodities where they would seem to possess comparative advantage. Examples are Argentine leather products and Brazilian wood manufactures. The explanation is deemed to lie in Argentine and Brazilian policies which discriminated against such exports.[40]

In seeking explanations for specific policy failures associated with commercial policy, one must again look for possible political influences. Perhaps the most provocative observations in this regard have been put forward by Albert Hirschman, who argues that conditions are not propitious for a strong export drive chiefly because industrialists do not feel in control of many economic policies affecting them. Since policy makers seemingly cultivate unpredictability and attempt to maintain distance between themselves and interest groups, innovation in policies affecting foreign commerce frequently catches industrialists unawares. Hirschman concludes that these facts about the unpredictability and instability of Latin American decision-making processes have more to do with deficient export expansion than the alleged high cost structure in the region.[41]

Economic Integration. Another important component of the postwar "new orthodoxy" in Latin American development policy has been the emphasis on regional economic integration. Integration agreements were seen as essential complements to the policies of import substitution, most directly through the "industrial complementarity" agreements that were intended to link industrial structures in the region. They were also to be dynamic contributors to export expansion and diversification. But the literature on the stagnation of such integration agreements is abundant and the depressing conclusions well known. Tariff reductions have occurred largely on products that are noncompetitive between countries, and the process of such reductions has in any case been slow and painful. Very few of the potentially important industrial complementarity agreements have been negotiated. Regional monetary arrangements in support of integration were not effectively consummated. The Latin American Free Trade Association (LAFTA) could not devise a common policy regarding foreign capital (such as has been incorporated in the Cartagena Agreement establishing the Andean Group), one of the results being that multinational corporations effectively exploited the integration scheme. A substantial proportion of the increase in intraregional trade in industrial products seems attributable to commercial flows between subsidiaries of such corporations. Nor do many new policy initiatives concerning integration appear on the horizon, and the Andean agreement contains an escape clause whereby individual countries can refrain from invoking the common provisions regarding foreign investment.[42]

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[34] These judgments concerning the non-effects of governmental fiscal policy are found in Cline, p. 114.

[35] ECLA, *Basic Aspects . . .*, pp. 22, 24.

[36] *Ibid.*, p. 8.

[37] *Ibid.*, p. 9. The increasingly important exception to this generalization appears to be Brazil. Exports of manufactured goods have risen dramatically under the military government since 1964. While accounting for only 5 per cent of the value of total Brazilian exports in 1964, they accounted for about 20 per cent in 1971–2. See Albert Fishlow, "Some Reflections on Post-1964 Brazilian Economic Policy," in *Authoritarian Brazil*, ed. Alfred Stepan (New Haven: Yale University Press, 1973), p. 98. This fact should not obscure the equally important fact that Brazil still depends on primary products for approximately 70 per cent of its export earnings. Furthermore, there is the question—crucial in terms of my concerns in this article—of who are the principal beneficiaries of Brazilian export expansion and diversification. A recent survey of the Brazilian economy concluded that multinational corporations accounted for some 40 per cent of Brazil's industrial exports in 1969. See the survey of the Brazilian economy in *The Economist*, September 2, 1972, p. 47.

[38] Prebisch, p. 77.

[39] Little et al., p. 182.

[40] *Ibid.*, p. 243.

[41] Hirschman, p. 29.

Investment Policy. Recent investment policy in Latin America must also be analyzed since sustained economic growth is assumed to be crucially dependent on a high and increasing rate of investment. For example, the Prebisch report notes the necessity of raising the total investment coefficient to 26.5 per cent in 1980 in order to attain an 8 per cent total growth rate by that year. The coefficient was only 18.3 per cent in 1966–68.[43] Yet there seems to have been no coherent investment policy in the recent record of Latin American development. For the great majority of the countries of the region, the "coefficient of investment with domestic resources" actually fell (in many cases substantially) between 1950 and 1967–68. Anyone seriously concerned about the future of Latin American development must confront the fact that in Colombia, for example, investment with domestic resources was 20.1 per cent of gross national product in 1950 but only 11.9 per cent in 1966–68. In Chile, such a rate fell from 15.8 to 9.6 per cent in this interval. In Venezuela, it fell from 25.6 to 16.5 per cent, and in Uruguay it literally plummeted from 20.1 to 6.3 per cent.[44] Even in booming Brazil, the rate of investment has not increased greatly. Celso Furtado concludes that while the output-capital ratio doubled between 1964–67 and 1968–69, the rate of investment increased only slightly.[45] Prebisch concludes that these data afford "clear evidence that the policy pursued—if what has been done can be called a policy—has been ineffectual and contradictory. . . ."[46]

In analyzing the low rate of investment, political considerations are obviously crucial. The important political commitment to increase investment is unlikely to be undertaken by comfortably situated, nonentrepreneurial elites. Elite consumption patterns, concerned with aping those of the industrialized countries, afford a good illustration of the problem. In Mexico, for example, those in the top 5 per cent of the income distribution have an annual income average of $2,250. This is not high in comparison with incomes in the industrialized countries, but efforts to sustain consumption patterns like those in such countries leave little available margin for savings.[47]

Furthermore, "can the consumption of the middle strata conceivably be affected without recourse to compulsion? Could the restrictions be persistently maintained under the system of ordinary party politics?"[48] The answers to both questions would definitely appear to be "no." Some element of compulsion seems inevitable. There is compulsion in both Brazil and Cuba. "The system of ordinary party politics" has been suspended in both, but in Brazil the surplus for investment is apparently coming from the vast working sector whose real wages have suffered in the years of the "Brazilian economic miracle."[49] But Brazil, with its large population, may be the only country in which such a strategy is feasible, and even there it is doubtful. If General Pinochet and the Chilean military think they can duplicate the Brazilian attempt, they will be sadly mistaken. Elite consumption and investment patterns will ultimately have to be corrected if sustained growth is to occur.

Toward a New Conception of Development Policy

In the light of the crisis in Latin American development and of the policies contributing to it, what would be the general contours of a reoriented development policy for the region? The goal of such a development policy would be the creation of "livable" societies, viable alternatives to hyperurbanized, semi-industrialized, permanently underdeveloped, permanently inequitable countries. A discussion of such a development policy must deal with various subjects. The most overarching question concerns the relative emphases to be given to growth and distribution. Closely related are short-run versus long-run considerations, since short-run attention to equity and distribution is commonly thought to occur at the expense of long-run growth (and hence, possibly, of greater equity in the long run). Also closely related are the questions of factor utilization and of the industry-agriculture mix, since capital-intensive development may be labor-displacing and thus aggravate problems of equity, and too much attention to industry and too little to agriculture may further erode the already low incomes of those in the agricultural sector. Also needed are some considerations of the technological requirements of a new development policy and of whether the contemporary international transfer and adaptation of technology are suitable for the demands of the livable society. Arguments about livability also have implications for at least two other broad subfields of development policy—urbanization policies and educational policies.

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[42] Many of these and other problems are discussed in John W. Sloan, "Dilemmas of the Latin American Free Trade Association," *Journal of Economic Issues,* 5 (December, 1971), 92–108. Also see Bela Balassa, "Regional Integration and Trade Liberalization in Latin America," *Journal of Common Market Studies,* 10 (September, 1971), 58–77.

[43] Prebisch, p. 124.

[44] *Ibid.,* pp. 259–262.

[45] Celso Furtado, "The Post-1964 Brazilian 'Model' of Development," *Studies in Comparative International Development,* 8 (Summer, 1973), 121.

[46] Prebisch, pp. 75-6.

[47] ECLA, "Income Distribution," pp. 17–18.

[48] Prebisch, p. 17.

[49] An otherwise favorable report on the Brazilian economy was recently forced to conclude that "it is probably true that the purchasing power of the average wage declined by up to 45 per cent over the past decade." *The Economist,* p. 34.

It should be noted that livability is not an either-or question. It is not a question of growth *or* distribution, industry *or* agriculture, nonformal and primary *or* university education. It is a question of tradeoffs, balances, mixes, and optimalities. On balance, I argue that there needs to be increasing attention to distribution, to the short-run, to adapted technology, to agriculture, to decentralization, and to nonformal education. But the state of empirical knowledge in all of these areas is not such as to enable precision regarding how much redirection is optimal. This does not, however, vitiate the general thrust of the new directions required for development policy.

"Livability" and Questions Concerning Growth and Distribution. An important question facing Latin America is whether a policy of greatly increased savings and investment with domestic resources, at the expense of present consumption (in an environment where mass consumption is already very low), will lead to rapid growth, which will in turn generate greatly increased employment and consumption in some future time (i.e., employment and consumption beyond that which could be obtained by concentrating on a lower-growth, more-employment strategy now). This is a general question facing the entire Third World.

Only recently has the literature in economic development begun to depart somewhat from the previously accepted wisdom which held that skewed personal income distributions are essential for a high national savings rate. The basic assumption has been that attempts at redistributing income in less developed countries will be self-defeating, since they will transfer income from the rich with high savings propensities to the poor with high consumption propensities, thereby decreasing savings and capital formation.[50] Although the Latin American countries have extremely skewed income distributions, however, the level of savings in the region has been notoriously low. Since it is highly unlikely that a "filter down" process of development will be successful in any proximate Latin American future, it would appear that the livability of all Latin American nations would be increased by a substantial movement toward greater equality in the distribution of income—even if such a movement would fly in the face of arguments about how income inequalities are necessary concomitants of economic development.

The outlines of the debate on distribution and growth are contained in an exchange between W. Arthur Lewis and Paul Streeten in a 1970 conference on the economic gap between rich and poor nations. Lewis argued forcefully for a wider distribution of the benefits of growth even if this means reducing the rate of growth. His preferred developmental strategy would entail less saving and a relatively slower rate of growth than strategies now in vogue. Streeten's "high growth curve," however, showed that "with high growth one had less employment for a while . . . [but] at some point in the not so distant future . . . it [employment] overtook the Lewis curve and forever after employment was higher."[51] Streeten's arguments are also to be found in Charles Wilber's analysis of the Soviet growth experience, where a high-growth strategy is thought to be most productive in terms of long-run employment.[52] Other economic observers are dubious about this argument—appropriately so, in my view. One study concludes, for example, that the argument has little merit if the increased investment facilitated by lower current employment continues to go into capital-intensive channels.[53] The basic point is that the high-investment, capital-intensity, high-growth school simply is not fully cognizant of the structural conditions under which much Third World and Latin American development is occuring.

Much of the debate surrounding growth and distribution has proceeded at an abstract level

[50] On this point, see Cline, pp. 11–13.

[51] Lewis's arguments are found in W. Arthur Lewis, "Objectives and Prognostications," in Ranis, ed., pp. 411–420. Streeten's rejoinder is found in the same volume, p. 423.

[52] Charles K. Wilber, *The Soviet Model and Underdeveloped Countries* (Chapel Hill: The University of North Carolina Press, 1969), p. 92.

[53] Little et al., p. 92.

quite devoid of empirical content. The effort to determine the degree (if any) to which growth must be sacrificed to attain increased equity is, however, a crucial empirical question. William P. Cline's study, one of the few that deals with Latin American countries, comes to some significant conclusions in terms of an emphasis on the increased desirability of redistribution. He found that the adverse effect of redistribution on savings and growth rates would be relatively minor. A movement to the level of equality obtaining in Great Britain, for example, would apparently entail an annual per capita growth sacrifice of approximately 1 per cent in Brazil, Mexico and Venezuela, and 0.66 per cent in Argentina. Such a reduction would appear to lower per capita growth rates to dangerously low levels, but the important point is that "even assuming the calculated growth sacrifices to be valid, the vast majority of the population would be better off materially if the option of income distribution with slower growth were chosen than if the path of faster growth with an unchanged skewed distribution were maintained."[54] More precisely, it is estimated that *it would take 56 years for the poorest 70 per cent of the Brazilian population to become as well off under the option of fast growth with no redistribution as they would be under the alternative of immediate redistribution followed by slower growth.* The same estimate is 34 years for the Argentine case and 49 years for the Mexican case.[55]

While a considerable amount of empirical spadework remains to be done on the question, it does appear that the first and most general policy implication of livability involves redistribution and movements toward equality. Less concern is needed with aggregate growth rates and more concern with present standards of living and consumption. This view becomes all the more plausible when it is realized that "a high rate of growth of commodities is not all that important in the public's sense of well-being as a few simple needs: more or better schooling, better medical services, pure water, cheap transport. . . ."[56] Equalities of income and other resources (e.g., housing, education, health care, entertainment opportunities, etc.) must rise to a high order of priority in thinking about the future course of Latin American development, even *if* at the expense of faster growth.

Having made such an assertion, one is obliged to consider more fully the alternative high-growth, high-investment strategy. Would not Latin America be better off by making a one-generation-long or a two-generations-long "big push" into sustained growth—by foregoing present consumption, dramatically increasing the rate of investment with domestic resources, adopting investment criteria which seem likely to have the highest output effects, and directing attention to output even if at the expense of short-term and medium-term employment? In short, why not the Soviet model for Latin America instead of the strategy of livability?

To begin with, even Wilber—generally favorable to the Soviet model—argues that there are some obvious limitations on its applicability. Soviet-style development is deemed inappropriate for small, resource-poor countries.[57] It is doubtful that any Latin American countries—with the possible exception of Brazil and Mexico, perhaps Argentina—will be able to develop the required market necessary for the development of large-scale capital goods industries. Furthermore, it is hard to see the political factors that account for the historically low rates of savings and investment in Latin America changing over the long run.

But, beyond these observations, it is necessary to consider the structural conditions under which the high-growth strategy would have to be implemented. One such condition concerns the size and growth of population. Even with the substantial migration from rural to urban areas characteristic of Latin America, the absolute number of the rural population continue to grow. Thus, short of physically eliminating the surplus rural population, some measures will have to be taken to assist the agricultural sector. It simply will not be enough to have a high-output strategy which frees people from agriculture, since those freed are replaced by the natural population increase in rural areas.[58] Second, the freeing of labor for work in industry might have made sense under the structural conditions of development in eighteenth- and nineteenth-century Europe, i.e., where such occupations as textile production and other labor-intensive undertakings could absorb the labor thus freed, or in the twentieth-century Soviet Union, where there apparently were labor shortages in urban areas. But will it make sense when the imported technological revolution has telescoped the labor-intensive stage of the development process? Third, will any of the Latin American countries be able to generate sufficient savings and investment called for by the alternative model without resorting to massive foreign indebtedness? Even Brazil has accumulated a tremendous external debt during the course of its "big push." Fourth, the dynamic of the accumulation process in Latin America appears to preclude development outside the "modern" sector. This is certainly apparent in countries like Brazil and Mexico. In Brazil, for example, "the full attainment of the modernization potential is continually frustrated. Modernization is restricted precisely in order to preserve the rates of profit in the modernized activities. . . . The surplus . . . tends to be kept increasingly within the circuit of the modern sector."[59] As Furtado notes, "the most significant feature of the Brazilian 'model' is its structural tendency to exclude the mass of the population from the benefits of accumulation and technical progress."[60] Fifth, it is questionable if contemporary regimes in Latin America can sustain the long-term political requirements of the suppressed consumption strategy. The experience of Brazil and Cuba has not been sufficiently long to permit the conclusion that the strategy was successful there; indeed, another generation or two or more may be required. The durability of the suppressed consumption strategy "relies heavily on the capacity of the ruling groups to suppress all forms of opposition which its anti-social character tends to arouse."[61] Such capacity may possibly be open to future questioning if economic conditions among the mass population continue to deteriorate dramatically. Sixth, and more generally, it is at least plausible that the whole range of external constraints on the latecomers' development may thwart even the most herculean of efforts, so that the best that can be attained is the status of a "permanently underdeveloped . . . middle-level industrial nation with sizeable sectors of the population living in very poor material conditions."[62] When pitted against this alternative, the livability strategy begins to derive its justification. In the absence of experiments with the livability approach, the most probable long-run outcome for Latin America will be neither growth nor equity. Stagnation with inequality and dependence will be the norm for the future.[63]

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[54] Cline, p. 148.

[55] *Ibid.*, pp. 150–151.

[56] Lewis, p. 412.

[57] Wilber, pp. 13–14.

[58] The reader will note that I have paid little attention to population control in my discussion of livability. There are those who argue that such control is the essential element of any new development strategy. I do not have the space to engage in a thorough discussion of this complex issue here. Suffice it to say that: (a) There are numerous countries in the Third World, and particularly in Latin America (e.g., Argentina, Chile, Colombia, Peru), which could support much larger populations than they presently do—if the requisite distributional and employment emphases were given to their development efforts. (b) The stabilizing of population growth is in any case a long-run matter; in the meantime, many new economic policies will be required to support the population that exists and that has a human right to live at greater than subsistence levels. (c) Too often the focus on population control is a remedy that prevents imaginative thinking on the sorts of questions addressed in this section. An unwillingness to think creatively about new directions in development policy easily leads to reliance upon the birth-control pill. If only the people would go away, the problems might too. All this is said without denying that some countries may in fact be in dire need of birth-control programs.

"Livability" and Questions Concerning Technological Borrowing and Technological Adaptation. Closely related to the foregoing issues is the role of technology in Latin American development. The issue, briefly put, is as follows: Economic growth requires a high level of technological innovation. Such innovation comes to the Latin American countries by borrowing and transfer from the developed countries, chiefly through private direct investment and increasingly through the multinational corporation. Latin America, as a late developer, is advantaged because it can avoid having to engender indigenous technology and can telescope the process by importing the most advanced, sophisticated technology from the industrialized nations of the West. Such a process of sophisticated technological transfer is seen as the key to the growth of Latin American industry since World War II.

But a counterargument is gaining ground rapidly. First, license, royalty and other payments add to the receiving nation's indebtedness. Furthermore, one must ask if the transferred technology is "appropriate" to the social and economic structure of the recipient nation. Does it not tend to be heavily capital-intensive, and does it not therefore exacerbate the employment problem and the distribution problem? Those who argue this way concern themselves increasingly with the adaptation of technology to Latin American conditions (resource availabilities, factor intensities, and so forth) and the development by Latin American countries of indigenous technological and scientific capacity. The notion that there is a distinctively Latin American way to build a house, construct roads, manufacture textiles, and so forth might seem to run counter to notions of international technological imperatives. But one of the real keys to any reoriented development in the future of Latin America is precisely the effort to come up with distinctively Latin American ways of doing such things—a challenge perhaps as great as the challenge of industrialization in the West in the past two centuries.

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[59] M. C. Tavares and J. Serra, "Beyond Stagnation: A Discussion on the Nature of Recent Development in Brazil," in *Latin America: From Dependence to Revolution,* ed. James Petras (New York: Wiley, 1973), p. 97.

[60] Furtado, 127.

[61] *Ibid.*

[62] Woodhouse, p. 23.

[63] It may be that Brazil constitutes one "polar type" of Third World development, that of middle-level rich, inegalitarian dependence. Communist China may constitute the other, that of decently poor, relatively egalitarian independence. It would make an instructive exercise to contrast the two nations in terms of the relative emphases given to labor- and capital-intensity, equality and distributional indicators, agriculture and industry, growth and distribution, dependence and autarchy, and so forth. That the politics of neither type of regime may be particularly attractive is perhaps irrelevant. These may in fact be the political choices for the future of the Third World.

The first requirement for technological adaptation involves the role of indigenous research and development institutes in the Latin American countries themselves. In many countries of the region, money spent for foreign technology (through licenses, royalty payments, and so forth) is more than double the amount spent on domestic research and development.[64] This is the essence of "technological dependence." Efforts to reduce such dependence through the work of domestic institutes would be an appropriate object of financing by the international lending agencies. The Latin American countries themselves could finance much of this research by diverting expenditures on licenses and royalties to the endowment of such institutes.

What sorts of things would such institutes explore? What are some specific examples of technological adaptation? What is "appropriate" technology? The outlines of answers to these and related questions are gradually beginning to emerge. A recent article by Robert P. Morgan summarizes suggestions for adaptive responses. These include, first, the design of efficient industrial plants. These would operate at a scale of production consistent with reduced market sizes in medium and small countries. Morgan, for example, cites some current efforts to examine such "scale-down" in the Latin American chemical industry. The aim is to produce chemicals for relatively small domestic markets, but to do so efficiently. A second suggestion involves the construction industry and aims at the development of low-cost building materials and low-cost construction techniques. A third effort would be the search for new industrial uses of natural products (such as fibers and gums) which have been displaced by synthetics. There would be research into the general area of labor-intensive or alternative technologies, an area about which distressingly little is known. Finally, an effort could be mounted to design tools and hand machines suitable for small industries and handicrafts.[65]

In addition to governmental encouragement of small-scale industry and artisanry, there could be programs of small-scale, labor-intensive rural development works (in soil and water conservation, for example); the building of labor-intensive mud and feeder roads to connect farms with nearby markets and markets with main highways; and the use of labor-intensive technologies in such construction jobs as the lining of irrigation canals and the building of dams.[66]

The World Bank under Robert McNamara is increasingly interested in such matters. The Bank, for example, is currently conducting a pilot study of the Muda Irrigation Project in Malaysia to determine the employment and distribution effects of a project which involved substantial farm mechanization. The Bank is also studying the employment, distribution, and productivity effects of farm mechanization in India. And in the transportation sector, the Bank is currently studying the substitution of labor for equipment in road construction.[67]

Additional possibilities suggest themselves for consideration. One is that of international subcontracting according to stage of production. The labor-intensive stage in the production of certain goods could be contracted out to Latin American countries, and the capital- or technology-intensive stage could be completed in the industrialized countries.[68] Anderson has suggested that there may be considerable future for Latin America in efforts to develop expertise in machinery repair. It is not outlandish to think that the costs of such repair (much of which would be labor-intensive) plus transportation costs would actually be less in Latin America than such repair costs in the industrialized countries.[69] There might also be the possibility of establishing exclusively Latin American multinational companies whose aim would be the intraregional production and trade of products incorporating Latin American technology.[70] There is some indication that the countries of the Andean Group are inclined to experiment with this approach. In the realm of transportation, General Motors has developed a Basic Transportation Vehicle (BTV), which can be produced in plants the size of a large barn and at a cost of only $50,000 per plant installation. Production involves simple processes that are labor-intensive, and the assembly work teaches a multitude of skills. The BTV may cost less than a horse and is currently being produced in Ecuador.[71]

As with income distribution, the question of feasibility must be raised. What is the feasibility of technological adaptation? It is possible to get little agreement among economists, in part because empirical knowledge on this subject is slim. Many observers believe that there is little flexibility in choice of technology. Such choice is dictated by decisions on the allocation of investment to sectors and industries, and only a few alternative production processes may exist in key industries.[72] But I am explicitly interested in altering the allocation of investment itself toward industries and undertakings where labor-intensity is apt to prove feasible.

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[64] Robert P. Morgan, "Transfer of Technology," in Chalmers, ed., p. 145.

[65] All of these and related suggestions are discussed by Morgan, pp. 147 ff.

[66] These and related suggestions are contained in Escott Reid, "McNamara's World Bank," *Foreign Affairs*, 51 (July, 1973), 794-810.

[67] On these and related matters, see International Bank for Reconstruction and Development (IBRD), *World Bank Operations* (Baltimore: The Johns Hopkins University Press, 1972), pp. 15n, 23n.

[68] On this possibility, see Ranis, "Introduction," in Ranis, ed., p. xx.

[69] Anderson, p. 79.

[70] Morgan mentions this possibility, p. 148.

[71] See the report in *The New York Times* (October 12, 1973), 41.

Other observers believe that there *are* significant possibilities for factor substitutability. Gustav Ranis, for example, reports historical and contemporary instances from Japan, Korea and Taiwan which seem to indicate a substantial potential for factor proportions variability.[73] But even if such potentialities exist, it should be noted that technological adaptation alters the nature of growth bottlenecks. With high volume and capital-intensity, the chief scarcities are those of capital and foreign exchange. Shifts to lower volume production and labor-intensity may place strains on skilled manpower resources, organizational abilities, and the like.[74]

"Livability" and Assistance to the Agricultural Sector. A third aspect of livability concerns additional assistance to the agricultural sector, and especially to the small-agriculture sector. An impressive body of evidence indicates that developing countries in general and some Latin American countries in particular (e.g., Argentina), have seriously neglected agriculture during the course of their postwar development.[75] Specialists in the Latin American area offer abundant explanations for the depressing state of agricultural production. On the one hand, the "structuralists" see the structure of land tenure as the root of most agrarian evils and accordingly justify agrarian reforms with redistribution of large landed estates. The large landholders, on the other hand, blame government policies—pricing policies, investment policies, and exchange rate policies. In either case, it seems relatively indisputable that the process of import-substituting industrialization took place to the neglect of the agricultural sector, even though agriculture still employs a very large proportion of the active work force in many countries.

The relative neglect of agriculture is perhaps a byproduct of the well-known arguments that agriculture must supply a "surplus" for development. It is supposed to produce a marketable surplus of products and to free surplus labor through increasing per capita agricultural productivity.[76] But it is apparent that the second prescribed role for agriculture conflicts with some important features of the economic landscape in contemporary Latin America. It seems on the surface unarguable that increasing productivity per man can best be brought about through agricultural mechanization. Perhaps the answer to the crisis in Latin American agricultural production is the creation of large-scale, mechanized, corporate agriculture. But increasingly the labor-displacing effects of such a phenomenon must be reckoned with. As Prebisch notes, "the migrants from the rural areas who constantly pour into the larger towns merely shift the scene of their redundancy."[77]

We require a rethinking of the problem of increasing agricultural productivity and strategies for developing agricultural mechanization that will not be labor-displacing—as well as a commitment to stem the tide of rural migration by developing policies to assist the small- and medium-scale (and even subsistence) agricultural sectors. Various remedies suggest themselves. The construction of mud and feeder roads using labor-intensive methods has already been mentioned. Assistance to the peasants in the marketing, storage, and processing of their products could be greatly stepped up. A systematic research program into different techniques of farm management, land tenure reform, and the relationship of economic incentives to production could be developed.[78] The World Bank has experimented with private machinery pools for small farmers, and further experimentation in this regard is clearly required.[79] Much more could be done in the area of agricultural credit. It is well known that interest rates in Latin America tend to be higher in rural areas and that the bulk of agricultural credit goes to the larger and wealthier landowners. Credit institutions are needed to lend relatively small but potentially crucial amounts of money to small farmers without demanding mortgages or other security that these farmers can seldom supply. Also needed are programs for developing agricultural industries close to the farms themselves—processing industries, for example, or industries supplying some kinds of simpler farm instruments.

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[72] This is Wilber's opinion, p. 92.

[73] Ranis, p. xviii.

[74] On this point, see Jack Baranson, "Bridging the Technological Gap Between Rich and Poor Countries," in Ranis, ed., p. 302.

[75] See, for example, the arguments in Diaz-Alejandro, *Essays on the Economic History of the Argentine Republic* (New Haven: Yale University Press, 1970).

[76] On these roles for agriculture in the process of economic development, see Wilber, pp. 14, 30.

[77] Prebisch, p. 3.

[78] Some of these suggestions are discussed in Rutherford M. Poats, *Technology for Developing Nations* (Washington, D.C.: The Brookings Institution, 1972), p. 38.

[79] *World Bank Operations*, p. 15n.

As usual, the feasibility of these approaches must be demonstrated. There are some small signs of encouragement, however. For example, "a considerable body of evidence is now available to demonstrate that peasant farmers respond to economic incentives."[80] There is some limited evidence that labor-intensive construction of minor agricultural roads and irrigation infrastructure may indeed prove feasible.[81] There is also some evidence that small farmers use land more efficiently than large farmers. This is certainly one of the major conclusions stemming from the CIDA (Comité Interamericano de Desarrollo Agrícola) studies on Latin American agriculture. In Chile, for example, the value of production per arable hectare (in 1960 escudos) was 391 escudos for "sub-family exploitations" (the smallest holdings) but was only 83 escudos for the large latifundios.[82] With such scattered evidence, the World Bank has tentatively concluded that "if small holdings tend to be more socially productive than large holdings—in that they produce as great an output per unit area using more of the abundant and less of the scarce resources—the conflict which many have perceived between an equitable distribution of the land and efficiency in farming may be largely illusory."[83]

A concrete empirical example that deserves to be studied further comes from Communist China. Since 1964 the Communists have attempted to revive village and local industries primarily through the manufacturing of agricultural inputs.[84] The Chinese have also decided to economize on the use of tractors and have stressed the full utilization of idle labor as the cornerstone of their agricultural policy.[85]

Have they thereby abandoned the possibility of increasing agricultural productivity? The facts do not permit an answer to this question one way or the other. But it is clear that the employment problem in the Latin American countries is so severe, and is only likely to be exacerbated by labor-displacing technological innovation in agriculture, as to force the undertaking of a wide range of experiments aimed at benefiting the small and subsistence sectors of Latin American agriculture. Such experiments might lead to the confirmation of Hla Myint's recent judgment: "In many underdeveloped countries the expansion of the exchange economy is likely to be retarded, not because people in the subsistence sector behave irrationally, but because of economic policies which have distorted the relative attractiveness of subsistence and cash-earning activities."[86] It may be that a genuinely decent life for the majority of rural people will prove to be out of reach even after consideration and implementation of some of the items suggested. But the only alternatives seem to be the continued "rape of the peasantry"[87] and the mushrooming of redundant labor in urban areas.

"Livability" and the Problem of Urban Centralization. A policy of urban decentralization and regionalization cannot be separated from measures aimed at keeping more people in agriculture, since medium-sized towns would be located in more rural areas and would grow as the suppliers and consumers of agriculture. It is increasingly apparent that the social costs of large urban agglomerations are staggering. The demands for urban services in the capital cities of Latin America are completely beyond the abilities of the governments to satisfy them. Transportation systems are woefully strained, environmental problems are steadily mounting, and the supply of water and sewerage facilities is totally inadequate.

The implications of these facts lead in two directions, one toward decentralization and the other toward a modification of conceptions of "appropriate" levels of living in the largest urban centers themselves. The first entails investment decisions specifically intended to locate new industries and services in regional centers, even if this policy seems to contradict "growth pole" arguments for development. If the Andean Pact can make special provisions for the development of its least-developed members, an individual nation can develop viable programs of regional development for its least-developed regions. Some policy examples include industrial development in the Brazilian Northeast, facilitated by various tax credit arrangements;[88] and recent Argentine efforts (through tax breaks, credit provisions, and direct fiscal support) to locate small- and medium-scale industries in the provinces of the interior. One of the main problems is the continuing lack of certainty about the cost-benefit calculations of such decentralization, the calculation of externalities, economies of scale, and so forth. But experiments with regional development seem definitely worth implementing when one considers present conditions in places like Lima, Guayaquil, or vast areas of Sao Paulo.

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[80] *World Bank Operations,* p. 20.

[81] *Ibid.,* p. 23.

[82] CIDA, *Chile: Tenencia de la Tierra . . . ,* p. 150.

[83] *World Bank Operations,* p. 32.

[84] Shigeru Ishikawa, "China's Economic Landscape: 1965-1995," in Bhagwati, ed., p. 336.

[85] Nai-Ruenn Chen and Walter Galenson, *The Chinese Economy Under Communism* (Chicago: Aldine, 1969), pp. 121–122.

[86] Hla Myint, *Economic Theory and the Underdeveloped Countries* (London: Oxford University Press, 1971), p. 321.

[87] Ernest Feder, *The Rape of the Peasantry* (Garden City: Anchor Books, 1971).

[88] Hirschman, "Industrial Development in the Brazilian Northeast and the Tax Credit Scheme of Article 34/18," in Hirschman, *A Bias for Hope* (New Haven: Yale University Press, 1971), pp. 124–158. There is, of course, a considerable academic debate concerning the success or failure of this particular regional development scheme.

But what of those conditions themselves? What redirections of policy would be required to make the huge urban agglomerations livable? Several suggestions can be offered, inspired by the general observation that "if only a fraction of the urban population can be supplied with basic infrastructure at conventional standards, the choice has to be faced of leaving the rest without basic services or of designing lower, less costly levels of service for a larger part of the population."[89] Livability would seem to entail precisely these less costly but lower levels of services. Housing is the most obvious such service. An integrated approach involving the continual search for lower-cost construction materials, the "sites, services, and self-help" approach to construction, and the provision of small amounts of concessional loans to would-be home builders must be pursued. There is simply no likelihood that the capital requirements of providing everyone with an "acceptable" house can be met. These policies should therefore be accompanied by a program of upgrading existing dwellings through government-financed modest improvements to structures. More generally, what is required by many countries (such as Brazil) is a different attitude toward the marginal urban settlements (favelas, barrios, callampas, vias miserias, ranchos). Policies aimed at the eradication and relocation of such settlements, somewhat along the lines of U.S. urban renewal, seem inordinately expensive and, moreover, neglect some of the real social functions which such settlements perform in urban areas.[90] A more economical, more livable and workable, if less tidy, approach would be one of barrio assistance and rehabilitation—since existing evidence indicates that barrio dwellers do respond over time to opportunities for improving their properties. The result might still be something which to the American resembles a "slum" but which is actually a quite livable community from the standpoint of the residents involved. Measures to improve housing and assistance to marginal areas could be joined by movements toward equality in providing other social services, such as public health assistance. All of this is in line with Lewis's assertion that for the poor in the less developed countries the satisfaction of a few simple needs is more important than a high rate of growth of commodities.[91] There is no doubt, however, that commodities are also deemed important, and there may be opportunities for supplying them more collectively—as with communal refrigerators and community halls with large televisions, inexpensively subsidized community theaters, and communal ownership of transportation vehicles.

"Livability" and the Implications for Educational Policy. What are the implications of the livability approach for the future of Latin American educational policy?

It is instructive to note some introductory observations about Third World educational systems and Latin American education in particular. First, it is commonly argued that the proportion of the school-age population in school is grossly insufficient and that, despite significant absolute increases during the 1960s, the percentage figures still leave much to be desired. This is particularly so at the secondary level; in 1971, the last year for which data are available, only 27.3 per cent of the prescribed secondary-school-age population in Latin America were enrolled in secondary schools. Even in primary schools, approximately 40 per cent of the total regional primary-school-age population was not enrolled as of 1970.[92]

A second important point is the relationship between educational development and the evolution of the labor market, especially for university education and graduates. Will there be sufficient employment opportunities for the new generation of university graduates? Or will such graduates increasingly comprise a pool of educated unemployed, with possibly dire consequences for the stability of the political system? Will they not increasingly find themselves in the allegedly radicalizing position of "status inconsistency"?

A third observation concerns the content of curricula, a subject which has been addressed mainly at the university level but which has implications for primary and secondary education as well. Latin American education is commonly criticized for being too philosophically inclined, too speculative and humanistic, not "relevant" to the tasks of development.

Concern with these matters is certainly not limited to Latin America. Thus, Marc Blaug recently estimated that perhaps as many as 650,000 educated people in India worked only a day a week if at all, and he cited the 1966 Indian Report of the Education Commission to the effect that there could well be "4 million unemployed matriculants and 1.5 million unemployed graduates by 1986."[93] A very common way of dealing with this problem, apparently in India and most certainly in Latin America, is for the public sector's bureaucracies to employ greatly increasing numbers of university graduates. Blaug noted for India that three quarters of all graduates and nearly the same proportion of matriculates of secondary schools and universities work in the public sector.[94] I do not have comparably precise data for countries like Chile or Uruguay, but certainly the figures must also be very high.

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[89] *World Bank Operations,* p. 424.

[90] For a revisionist, relatively favorable look at such marginal settlements, and for a discussion of the need for rehabilitation instead of eradication, see William Mangin, "Latin American Squatter Settlements: A Problem and a Solution," *Latin American Research Review,* 2 (Summer, 1967), 65-98. Also see Janice Elaine Perlman, "The Fate of Migrants in Rio's Favelas: The Myth of Marginality," (Ph.D. dissertation, M.I.T., 1972).

[91] Lewis, p. 412.

[92] Agency for International Development (AID), *Summary Economic and Social Indicators: 18 Latin American Countries, 1960-1971* (Washington, D.C., 1972), pp. 60, 66.

The three points cited usually give rise to typical responses. The data on the insufficient proportion of enrollees in the school-age population leads to a concern with the quantitative expansion of enrollments and thus to an expansion of physical buildings—what has been called the "linear expansion" approach characteristic of educational policy in the Third World in the 1950s and 1960s.[95] Relatively little concern is given to the qualitative nature of the education thus provided. More fundamentally, there is little questioning of the assumption that increasing the proportion of enrollees in traditional educational establishments is the most acceptable and desirable goal of policy.

Second, the apparently emerging imbalance between university graduates and employment opportunities generally leads to the taken-for-granted assumption that employment opportunities in the modern sector of the economy must be greatly increased. But the modern sector is precisely that sector characterized by technologically advanced industry and mechanized agriculture—i.e., precisely that sector whose further expansion is of dubious value for the future of Latin American development. Is it heretical to suggest a reverse argument, viz., that the number of university graduates be reduced? The "brain drain"—by which Third World countries subsidize development in the industrialized countries by exporting technicians, engineers, and other professionals—would be less of a problem if Latin American educational systems produced different kinds of brains, geared not to the standards of Western education but to the requisite reorientation of agricultural and industrial development.

Much the same argument can be put forward with regard to the third point, i.e., the content of curricula. The response to the alleged irrelevance of the university curriculum is to undertake programs, many times in conjunction with foreign foundations, to make it more relevant—but more relevant for the kinds of development that are self-defeating and hence ultimately irrelevant. Clearly, the curriculum must move away from its literary-legal-philosophical-journalistic-speculative orientation, but the nature of its reorientation is open to question. Brazil only needs color television technicians if there is a prior (utterly unjustified) decision to produce color television sets. Should there be schools of business administration to train managers for the subsidiaries of multinational corporations? Does Latin America need social scientists capable of analyzing the demographic correlates of municipal budgets using the IBM 360?

Educational policy thus takes a country directly to the heart of the kinds of questions which "very few leaders have stopped to ask. . . . What kind of society do we wish to create? What can we realistically expect to achieve with our limited resources? Whom shall we educate, for what and how?"[96] These are obviously crucial questions for the livable society. It seems that their confrontation would require a reorientation of much Third World and Latin American educational policy. "Sophisticated" university education might have to be significantly downplayed. More resources would have to be devoted to nonformal education and training, to on-site learning in agricultural and labor-intensive industrial undertakings, to vocational education generally. A lengthy program of formal primary education could be replaced by three- or four-year programs geared to providing the basic skills needed for employment in particular regions. Experiments with "programmed learning" and with educational radio and television are called for. Less money should be spent on physical hardware that corresponds to some American educator's opinion of what a school should look like, and more imagination should be used in adapting existing facilities (stores, markets, even factories) to educational uses. Research is needed on innovative teaching materials and equipment that would contribute to the development of employment-related skills. And all of this could be joined to the socialization effort which inevitably accompanies any educational experience. Greater effort is needed to emphasize the national heritage, to cultivate national identity, to assist in the elaboration of a distinctive national culture—and thus, one hopes, to arrest some of the most blatant examples of cultural imperialism which are to be found in many Third World educational systems. In educational policy as in urbanization policy, "the choice has to be faced of leaving the rest without basic services or of designing lower, less costly levels of service for a larger part of the population." These lower, less costly, more widely distributed educational services might also be more relevant for the "realistic problem of development."

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[93] Marc Blaug, "Education, Economic Situation and Prospects of India, 1971," *Bulletin of the Institute of Development Studies* (Sussex), 3 (June, 1971). Cited in Healey, 771.

[94] *Ibid.*

[95] *World Bank Operations,* p. 257.

[96] *Ibid.*, p. 265.

"Livability" and the Implications for Development Assistance. The policy implications of livability would also entail some general redirections of both multilateral and bilateral development assistance programs. The World Bank under McNamara has given considerable emphasis to new directions in development lending. Early in his first term as president, McNamara concluded that "there must be a fundamental change in the emphasis, in the nature and in the direction of Bank Group lending, to enable the Bank Group to give as much help as it can to those of its developing member countries which are determined to achieve the three essentials of healthy development: rapid rates of growth in the production of essential goods and services for the whole population, in the number of productive jobs at proper pay, and in the share of the national production of essential goods and services going to the poorest two-fifths or so of the population."[97]

Unfortunately, such policy objectives are extremely difficult to implement. This is because they involve areas of economic inquiry about which there is little operational experience and because they entail difficult political questions—internally, as those Bank bureaucrats with a traditional banker's mentality resist the objectives of the poverty-oriented approach; and externally, as the Bank's new objectives encounter governments not so disposed to innovate. It is thus relatively easy to fault the Bank for hypocrisy when it is found that the largest single recipient of funds ($437 million) for the fiscal year ending in mid-1972 was Brazil—the country whose development policy is the virtual antithesis of the livability strategy. The other principal recipients were Iran, Mexico and Turkey, countries "not noted for their devotion to McNamara's new gospel of development."[98] On the other hand, it must be noted that Allende's Chile was the recipient of nothing. One need not be an uncritical fan of the Allende government to argue that it sought to increase the share of national production going to the poorest two-fifths of the Chilean population.

An examination of Bank and IDA (International Development Association) activity in Latin America and the Caribbean for the fiscal year ending in mid-1974, however, reveals the approval of projects that are directly relevant to a livability strategy. An IDA credit of $5.5 million to Ecuador is designed to assist the small-farm sector through the provision of marketing services, storage, and transport facilities to farmers on 17,000 acres of farmland close to Guayaquil. The Bank approved a loan of $17 million to El Salvador for a rural education project. The loan is exclusively for primary and nonformal education and involves the extension of educational television to the lower grades. A loan of $15 million to Jamaica will finance an urban development project emphasizing self-help housing, essential community services, and job opportunities to poor people in four Jamaican cities. The financing of the Las Truchas steel project in Mexico, located in one of the poorest areas of the country, is designed to direct public investment toward the underdeveloped regions. An IDA mining credit of $6.2 million to Bolivia is specifically geared to assist groups of small- and medium-scale miners in the Bolivian altiplano.[99] While the Bank has only begun to implement its poverty-oriented objectives, and while the economic and political problems of implementation are formidable, these types of projects are encouraging signs.

With regard to bilateral lending, U.S. programs are likely to continue to diminish in absolute amounts. One must ask, therefore, how positive developmental outcomes in Latin America can be maximized with the limited resources likely to be available. Instead of talking about the aggregate level of aid requisite for the Latin American development effort (such as 1 per cent of GNP or some other purely arbitrary figure), the question of the optimum impact of limited aid disbursements must be approached in a much more imaginative way than previously. Such optimality means making loans on the basis of their contribution to livability. But this, too, will be an extremely difficult undertaking, for not only will it require even greater American intervention in domestic decision making in Latin America, but it also must face the overwhelming commitment to capitalist development and "hard" industrialization to be found in the American aid community. A new policy would mean revising the convention that foreign aid is principally a method of financing the foreign exchange requirements of import-substituting industries using capital-intensive methods. Whether such a reorientation will prove feasible is another major question that the livability approach must confront.

Some Concluding Observations on the Politics of Livability. It would be inappropriate to conclude this inquiry into the possibility of a livable future for Latin America without briefly looking at some explicitly political considerations. A full-scale investigation into the nature of the politics or the political transformations that would be required to produce the livable society is beyond my scope here, and in future work I intend to analyze the policy implications of such regime alternatives as authoritarianism, populism, liberal democracy, or socialism. It will also be necessary to explore the politics of income redistribution, technological adaptation, or rural development from a comparative perspective. Here I seek to provide only a general orientation for addressing these kinds of questions: Is a political revolution necessary? Is socialism the answer? Is there a necessary correlation between type of regime and livability of a society?

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[97] Quoted in Reid, pp. 794–795.

[98] *Ibid.*, p. 795.

[99] For information on these and other projects in Latin America, see IBRD, *World Bank Annual Report 1974* (Washington, D.C., 1974), pp. 41–57.

To the first question it can be replied that there are many kinds of revolutions, and what is chiefly required is a revolution in ways of thinking about development and about public policies for development. It is quite unclear whether the avowedly revolutionary regimes of the contemporary world are any closer to the policy initiatives implied by livability than are some of those that do not define themselves as revolutionary. My view of the political transformations requisite for livability, therefore, does not necessarily imply the revolutionary sentiment that "everything must change before anything can change." Many of the world's contemporary revolutionaries also find themselves in need of new ways of thinking about development and the public policies required for a redefined conception of development. This is part and parcel of the whole ferment in the socialist world concerning economic axioms which heretofore were regarded as sacrosanct.

On the remaining questions, it is easier to say what sorts of regimes are *not* compatible with livability than it is to say what sorts are. Contemporary Paraguay certainly is not, nor—for different reasons—is contemporary Brazil. Paraguay has no development strategy at all and Brazil has a strategy which is the antithesis of that discussed here. An equity-emphasizing Third World socialism may be the most fruitful in terms of compatibility, but an elaboration of this thesis would entail a more complete discussion of the various (possibly contradictory) meanings of socialism than I am able to engage in here. Furthermore, I wish at all costs to resist political-economic determinism. I do not, for example, so easily wish to rule out the possibility that various institutional variants of "reformist" regimes might be able to undertake the policy initiatives required for livability.

The problem with attempting to ascertain the "regime type" most conducive to livability is part of the larger problem in political science of using regime type as an explanatory variable.[100] The customary distinctions between democracy and totalitarianism, or between reformism and revolutionary regimes, or between monocracy and pluralism seem to serve increasingly less well in today's more polycentric world. One of Samuel P. Huntington's achievements as a comparative theorist is to demonstrate that "the most important distinction between governments today is not that . . . between democratic and dictatorial regimes. Rather, it is between effective governments that govern and feeble governments that do not."[101] An effective government in this sense is certainly a necessary if not sufficient condition for promoting livability. But such a necessary condition is met by few if any Latin American countries, where "reigning" rather than "ruling" governments are the norm.[102] Such apparently dissimilar regimes as those of Brazil and Cuba may possibly meet the common test of effectiveness while differing in almost every other aspect.

More generally, in thinking about the relationship between regime type and livability, we need to redefine the concept of "political development." In the view of A. E. Keir Nash, "a developed polity will have to be redefined as that which has a high capacity for early perception of strains in the economy and in the society, for turning them into political problems, and for dealing with them. . . . The definition of development . . . will have to be made in terms of adequacy with respect to the shape of problems at any given time and in any given polity, not in terms of 'once and for all' solutions."[103] Such a problem-solving and output-related definition of development is likely to embrace many superficially dissimilar political regimes (dissimilar, for example, in terms of conventional "input" criteria for classifying political regimes).

What are needed to promote livability, therefore, are effective, developed polities—and the criteria for distinguishing such polities seem likely to transcend the capitalism-socialism, reformist-revolutionary, and other conventional distinctions even more than they have already been transcended. The question now turns on what kinds of political elites will manifest the greater capacity for turning the strains of contemporary Third World economic development into political problems and for dealing with them. Elites that are likely to perform such a feat are unlikely to be neatly classified as reformists, socialists, authoritarians, or populists. What they should be called, if indeed they ever appear, is still an open question.

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[100] For a more thorough discussion of this issue, see Robert L. Ayres, "Political Regimes, Explanatory Variables, and Public Policy in Latin America," *The Journal of Developing Areas,* forthcoming (October, 1975).

[101] A. E. Keir Nash, "Pollution, Population, and the Cowboy Economy: Anomalies in the Developmentalist Paradigm and Samuel Huntington," *Journal of Comparative Administration,* 2 (May, 1970), 111.

[102] On this distinction, see Eldon Kenworthy, "Coalitions in the Political Development of Latin America," in *The Study of Coalition Behavior,* ed. Sven Groennings *et al.* (New York: Holt, Rinehart and Winston, 1970), pp. 103–140.

[103] Nash, p. 126.

Representative Bureaucracy: An Empirical Analysis*

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Long before contemporary theories of administrative responsibility were developed, representative bureaucracy was proposed, defended, and to some extent, implemented. President Andrew Jackson, in his first inaugural address, claimed that any position in the government was so easily mastered that no training was needed and rotation was the best possible means of insuring responsibility. Jackson's intent clearly was to move away from the elitist nature of the national policymaking positions that characterized the earlier administrations and admit Western frontiersmen (if not the lower classes) to the administrative apparatus.[1] When the problem of bureaucratic abuse of power and the whole series of issues relating democracy to public administration came to the academic community's center of attention, representative bureaucracy found its place along side external democratic controls (Finer, 1941), separation of politics from administration (Wilson, 1887), supremacy of law (Lowi, 1967), professionalism (Simon, 1957), and acceptance of the "fellowship of science" (Friedrich, 1940). Each has had a prominent place in the literature, but representative bureaucracy has recently captured the greatest attention because of affirmative action demands of blacks and women. This paper will critically examine the ideal of a representative bureaucracy and empirically test the existence of a representative bureaucracy in the United States.[2] After briefly reviewing the literature in the field, the underlying theory of representative bureaucracy will be outlined and efforts made to demonstrate how the ideal theory might lead to administrative responsibility.[3] Next, the assumptions and premises of the ideal theory will be critically examined to demonstrate certain weaknesses inherent in the theory. Finally, the current United States federal bureaucracy will be empirically investigated to determine if the bureaucracy is, in fact, representative.

A Review of the Literature

The first comprehensive proposal for representative bureaucracy was presented by J. Donald Kingsley (1944) in his analysis of the English Civil Service.[4] Drawing from Jacksonian ideals and Marxian analysis, Kingsley did not suggest, as is usually claimed, the need for a bureaucracy which was broadly representative of society but rather claimed, "Administrative arrangements always reflect the character of the social structure of a nation," that is, bureaucracy represents the dominant class in society.[5] Kingsley also assumed that traditional controls on bureaucracy were not sufficient to restrict a malevolent bureaucracy, but he noted that no great cry for reform had emerged because the bureaucracy was representative of the powerful in society. Finally, Kingsley proposed that the "essence of responsibility is psychological," and that "if the essence of responsibility is psychological, the degree to which all democratic

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[1] Sidney H. Aronson, *Status and Kinship in the Higher Civil Service* (Cambridge: Harvard University Press, 1964) has demonstrated that Jackson's efforts in this direction were at best only moderately successful; Jackson had to rely on the aristocracy of landed gentry for many of his higher-level appointments.

[2] Representative bureaucracy for the purposes of this paper shall mean a national bureaucracy in which the bureaucrats resemble the general public in terms of social origins and general values. At no time will active representation, i.e., representation of the specific clientele interests of the agency, however aggregated, be considered a representative bureaucracy. This paper does not test whether actions of the bureaucracy are representative, whether a representative bureaucracy is a responsive bureaucracy, or whether the bureaucracy represents organized interests.

[3] The definition of responsive, responsibility, accountability, and other similar terms will not be considered in this paper because of space constraints. These important definitions are discussed in Charles E. Gilbert, "The Framework of Administrative Responsibility" *Journal of Politics,* 21 (August, 1959), 373–407; and Herbert J. Spiro, *Responsibility in Government* (New York: Van Nostrand Reinhold, 1969), among other works.

[4] *Representative Bureaucracy: An Interpretation of the British Civil Service* (Yellow Springs: Antioch Press, 1944).

[5] *Ibid.*, p. 215. The idea of bureaucracy being a tool of the dominant classes of society did not die with Kingsley. Gideon Sjoberg, Richard A. Brymer, and Buford Farris, "Bureaucracy and the Lower Class," *Sociology and Social Research,* 50 (April, 1966), 325–337, claim bureaucracy performs a dominating function for whites vis-à-vis Mexican-Americans and other minorities. With some distortion much of the clientele-orientated new public administration also contains this class analysis of bureaucracy. Cf. Frank Marini, ed., *Toward a New Public Administration* (Scranton, Pennsylvania: Chandler, 1971).

institutions are representative is a matter of prime significance. No group can safely be entrusted with power who do not themselves mirror the dominant forces in society."[6] Kingsley, in short, claims that representative bureaucracy, in terms of the dominant class, is an empirical fact which in turn contributes to societal stability.

Noting the need for internal controls on the behavior of administrative officials and the need for bureaucrats to be motivated by democratic values, David Levitan was the first to propose representative bureaucracy as an alternative in the United States.[7] Following Levitan, Norton Long[8] presented the most extreme theory of representative bureaucracy, creating a straw man for numerous critics. Important interests, Long claimed, were not represented in the Congress or the presidency. "These interests receive more effective and more responsible representation through administrative channels than through the legislature." In part this was true because the civil service had a democratic character steming from "its origins, income level, and associations." Stepping farther out on a shaky limb, Long contends that the bureaucracy performs its representative function, "filling out the deficiencies of the Congress and the political executive." Long, thus, made the empirical claim that the U.S. bureaucracy was representative and the normative contention that representative bureaucracy is beneficial.

Paul Van Riper qualified and extended the argument in his *History of the United States Civil Service*. Considered as a whole over a time span of nearly two centuries, the bureaucracy, according to Van Riper, has been quite responsive to the democracy it served. Van Riper defines representative bureaucracy as

> one in which there is a minimal distinction between the bureaucrats as a group . . . and the community. . . . To be representative a bureaucracy must (1) consist of a reasonable cross-section of the body politic in terms of occupation, class, geography, and the like, and (2) must be in general tune with the ethos and attitudes of the society of which it is part.[9]

Van Riper is the first to include both social characteristics and values as components of representative bureaucracy. He also notes that in addition to responsiveness, representative bureaucracy offers other benefits; it promotes upward mobility on the part of minorities and symbolizes the open competition aspects of democracy.

In the most comprehensive analysis of representative bureaucracy[10] Frederick Mosher contends that administrative decisions are a function of administrative capabilities, orientations, and values, which in turn depend on bureaucrats' backgrounds, training, education, and current associations.[11] Mosher also notes that representation can be both active—i.e., when bureaucrats advocate their constituents' interests—and passive. Noting the evils of an actively representative bureaucracy, Mosher opts for passive representation.

> The passive (or sociological) meaning of representativeness concerns the sources of origin of individuals and the degree to which, collectively, they mirror the total society. It may be statistically measured in terms, for example, of locality of origin and its nature (rural, urban, suburban, etc.), previous occupation, father's occupation, education, family income, family social class, race and religion. A public service, and more specifically the leadership personnel of a public service which is broadly representative of all categories of the population in these respects, may be thought of as satisfying Lincoln's prescription of government "by the people" in the limited sense.[12]

Mosher then qualified his remarks by noting that we know little about the relationship between a man's background and pre-employment socialization on one hand and his behavior in office on the other. Other values of representative bureaucracy, including the open service, equality of opportunity, social mobility, and participative management are also stressed.

The Theory of Representative Bureaucracy

It is possible to distill from past literature with a few added assumptions the crude outlines of a normative theory. The theory of representative bureaucracy begins by recognizing the realities of politics. In a complex polity such as the United States, not all aspects of policy decisions are resolved in the "political" branches of government.[13] The absence of the political decision makers (or simply their temporary desire to let the bureaucracy handle complex and technical problems subject to later inspection) requires the administrator to exercise discretion. The exercise of discretion leads in turn to the exercise of administrative power, and the administrator becomes the key actor in resolving conflicts among competing groups because the groups and individuals interested in the policy do not abdicate the policy arena to the administrators. A problem then arises; since administrators are tenured and often cannot be identified and, therefore, cannot be recalled by an irate citizenry, some means must be established to keep the bureaucrats responsible to the people (either directly or indirectly through intervening actors).

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[6] Kingsley, p. 282.

[7] "The Responsibility of Administrative Officials in a Democratic Society." *Political Science Quarterly,* 61 (December, 1946), 562–598.

[8] "Bureaucracy and Constitutionalism," *American Political Science Review,* 46 (September, 1952), 808–818, quotation at p. 811.

[9] Paul P. Van Riper, *History of the United States Civil Service* (White Plains, New York: Row Peterson, 1958), p. 552.

[10] I have omitted from this discussion both of the empirical discussions of representative bureaucracy because the present analysis covers and extends them. See V. Subramaniam, "Representative Bureaucracy: A Reassessment," *American Political Science Review,* 61 (December, 1967), 1010–1019; and W. Lloyd Warner, Paul P. Van Riper, Norman H. Martin, and Orvis F. Collins, *The American Federal Executive* (New Haven: Yale University Press, 1963).

[11] Frederick C. Mosher, *Democracy and the Public Service* (New York: Oxford University Press, 1968).

[12] *Ibid.,* pp. 12–13.

[13] The reasons that all group conflicts are not resolved in Congress or the upper levels of the executive are many: the ambiguity of legislative policy, the discretionary decisions which arise during the execution of policy, the occasional political abdication to

Next, proponents of representative bureaucracy contend that traditional controls of administrative actions, e.g., budgeting, oversight, law, etc., are insufficient to adequately control a powerful bureaucracy. To support this contention they usually cite the infrequent use of such controls (Levitan, 1946). Their solution to the problem of responsibility is representative bureaucracy. If the administrative apparatus makes political decisions, and if the bureaucracy as a whole has the same values as the American people as a whole, then the decisions made by the bureaucracy will be similar to the decisions made if the entire American public passed on the issues.[14] This contention is supported by the decision theory premise that if values are similar, rational decisions made so as to maximize these values will also be similar.[15] The decisions made by the bureaucracy would still differ from those that would be made by the public in two significant ways; bureaucrats have access to more information than the public, and they also have significantly greater expertise in the problems they attempt to solve. These differences, far from undermining the ideals of democracy and responsibility, serve only to increase the rationality of the process.

A representative bureaucracy, operating in terms of the values of the general public by producing policy outcomes similar to those produced if the entire populace participated, thus serves to make bureaucracy responsible. The theory, however, does not end here. Values are difficult to measure; and, in fact, no attempt at explicating representative bureaucracy has rested its case on the similarity in values. Tracing the process one step further, the proponents contend that values are determined by the social environment. Psychological evidence they claim has demonstrated that child raising and socialization patterns differ, and thus values differ, in different social classes and ethnic groups. The test of representative bureaucracy, then, is whether or not the social characteristics—the education, occupation, social status, and similar measures of the bureaucracy—mirror those exhibited by the American public. Although this is an empirically testable contention which should demonstrate the empirical truth of the theory, rarely has a theorist tested this proposition; and those who have, have done so only in the most general ways.

A Critical Analysis of the Theory

The theory of representative bureaucracy, though well constructed, has four serious faults. First, all theorists assume that traditional controls of administrative abuse—executive hierarchy, legislative budgeting and oversight, rule of law, and judicial review among others—are ineffective. This assumption is especially noteworthy in light of Van Riper's contention that the federal bureaucracy is remarkably responsive. The hypothesis that political controls are inadequate is usually supported by the argument that the controls are cumbersome, are used infrequently, and are ineffective in preventing the determined administrator from abusing his position. The effectiveness of traditional political controls, however, is an empirical question which has totally lacked systematic inquiry.[16] Representative bureaucracy is presented as a means of democratic control when external controls fail. If such controls are adequate, the need for a representative bureaucracy is diminished.

Second, the proponents lack consensus concerning the definition of "representative." Although most of the theorists select passive representation over active, the decision is by no means unanimous.[17] The careful theorist rejects a bu-

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experts, or simply the desire to avoid making a decision in the political arena. The reasons that conflict is forced down into the bureaucracy are not important here; only the fact that it is forced down is important.

[14] Actually, few of the theorists discussed below incorporate the values of bureaucrats into their theory (which I feel is the key to control), although the addition of values strengthens the theory and could be derived from Mosher (1968) and Van Riper (1958).

[15] Cf. Charles Hitch, *Decision-Making for Defense* (Berkeley: University of California Press, 1965); Charles Hitch and Roland McKean, *The Economics of Defense in a Nuclear Age* (Cambridge: Harvard University Press, 1960); Charles L. Schultze, *The Politics and Economics of Public Spending* (Washington: The Brookings Institution, 1968).

[16] Some of the available cases studies of traditional control indicate it may be effective. See David T. Stanley, *Changing Administrations* (Washington, D.C.: The Brookings Institution, 1965); and Seymour Scher, "Regulatory Agency Control Through Appointment." *Journal of Politics*, 23 (November, 1961), 667–688. For a contrary view see James Kerr, "Congress and Space: Overview or Oversight," *Public Administration Review*, 25 (September, 1965), 185–192.

[17] Exceptions to the general trend are not usually considered advocates of representative bureaucracy.

reaucracy representative in terms of current occupation and education because he demands expertise in government. Rigidly interpreted, the theory requires representativeness in terms of values but failing that, father's occupation, social class, region, and place of birth are substituted. But, as Mosher admits, we know very little about the relationship between a man's background and the values he presently holds. In short, instead of measuring representativeness directly, we are forced to used secondary variables with unknown linkages.

The third critical point is the contention that socioeconomic characteristics determine values. Assuming that this is indeed true creates two additional complications. First of all, socialization is a learning process; and, as such, it does not cease forever at age 21 when the bureaucrat enters the civil service. According to Orville Brim, "It is apparent that the socialization experienced by a person in childhood cannot prepare him for all the roles he will be expected to fill in later years."[18] Socialization is a continuous process, "developmental in nature, that is, it occurs in a regular progression from infancy through old age . . . Socialization in later years builds on attitudes and skills acquired earlier, using them as a foundation for later, more demanding learning."[19] Post-childhood socialization is different in kind from childhood socialization, stressing overt behavior rather than motivation, stressing ability and knowledge, stressing synthesis of old knowledge rather than acquisition of new knowledge, stressing realism, conflict resolution, and specificity.[20] Clearly, then, socialization is a process which continues *throughout* the life of the bureaucrat, and the role the agency creates from him may be as important as his childhood training.[21]

Second, civil servants, especially upper-level civil servants, differ significantly from a randomly selected group of people with the same family social characteristics; they are highly upwardly mobile. More than 90 per cent of the higher civil servants are professionals, many of whom were sons of farmers and blue collar workers. Clearly, if socialization continues throughout the life cycle, the distinguishing experiences resulting from upward mobility will differentiate this group. Although no study has been done on the value changes of upwardly mobile civil servants, a study has been completed on the changes in political values as the result of upward mobility in the general population.[22] Grossly simplifying the results of James Barber's study will serve to illustrate the effects of social mobility. On any given value or issue continuum ordered in a unidirectional manner, let W denote the mean position of the working-class respondents whose fathers were also working-class, and let M be the mean position of the middle-class respondents who had middle-class fathers. (See Figure 1.) In terms of a wide range of issues and values including Democratic vote, political efficacy, belief in opportunity, and opinions on full employment, medicare, isolationism, segregation, and participation in the political process, respondents who were middle class yet had working-class parents (upward mobiles) had a mean position of X, a point between the middle- and the working-class responses. Barber's study adequately demonstrates that social mobility does indeed affect a person's attitudes and values.[23] Any civil service composed of upwardly mobile persons, then, is likely to have a different set of values from one composed of people whose class backgrounds have been static. The assumption, therefore, that socioeconomic characteristics determine values for upwardly mobile, adult bureaucrats is in need of revision; the degree of revision necessary is dependent on further empirical studies.

The final criticism of representative bureaucracy theory is the claim that the bureaucracy as a whole must be broadly representative of the American people. This is a misconception because the bureaucracy as a whole does not make any decisions; the individual agencies and bureaus and their dominant coalitions are the key elements. Every bureau, department, and agency, then,

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Vincent Ostrom, *The Intellectual Crisis in American Public Administration* (University, Ala.: University of Alabama Press, 1973), supports the concept of active representation; Richard Fenno, *The Power of the Purse* (Boston: Little, Brown, 1966) demonstrates how much of the political system is based on the need for every actor to advocate his position; and Emmette S. Redford, *Democracy in the Administrative State* (New York: Oxford University Press, 1969) emphasizes the need for bureaucracy to provide channels of access for all concerned groups.

[18] Orville G. Brim, Jr., "Socialization Through the Life Cycle," in *Socialization After Childhood*, ed. Orville G. Brim and Stanton Wheeler (New York: John Wiley, 1966), p. 3.

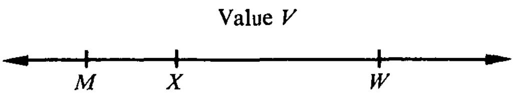
[19] *Ibid.*, pp. 18–19.

[20] *Ibid.*, pp. 25–32.

[21] The organization's role as a socializer has been demonstrated many times. Herbert Kaufman, *The Forest Ranger* (Baltimore: Johns Hopkins Press, 1960) describes the socialization process of the forest service; and Sidney Baldwin, *Politics and Poverty* (Chapel Hill: University of North Carolina Press, 1968) describes the attempts of the Farm Security Agency to socialize its field workers. The socialization process goes on in all agencies to a greater or lesser degree.

[22] James Alden Barber, Jr., *Social Mobility and Voting Behavior* (Chicago: Rand and McNally, 1970).

[23] The conclusions drawn and the diagram presented here are solely my interpretation of the results presented by Barber and may not reflect his own conclusions. The presentation, however, in my opinion, does not misrepresent the arguments presented in his excellent study.



Where M is the middle-class position, W is the working-class position, and X is the position of the upwardly mobiles.

Figure 1. The Effect of Upward Mobility on Values

must be representative of the people for the theory to hold, or decisions made at this level must be appealable to a bureaucracy that is representative. It is not sufficient to be able to appeal to a political arm of the government such as Congress, a congressional committee, or the President because, as Long has argued, they are highly unrepresentative. In addition, it is not necessary for the entire bureau to be representative of the American people because the important decisions are centered at the top of the bureau. While total representativeness is important for understanding clientele problems and delivering services, the representativeness of the top civil service must also be established or appeal needs to be allowed to a "representative bureaucracy" for the theory to hold.

Tracing out the implications of the theory of representative bureaucracy has indicated four criticisms that can be lodged. First, traditional controls are assumed to be ineffective without the presentation of adequate evidence. Next, the criterion of representativeness is based solely on secondary variables (background variables) which may not be related to the primary ones (values). Third, the claim that values are determined by social and economic characteristics must be modified by the lifetime socialization process and the effects of upward mobility. Finally, the leadership of the bureaus, not the bureaucracy as a whole, needs to be representative. These criticisms deal mainly with the linkage between representative bureaucracy and responsible bureaucracy. Since representative bureaucracy can have other benefits and since Long (1952) claims the bureaucracy is representative, the empirical status of representative bureaucracy must be reviewed.

Methodology

Since the data for this study have a myriad of sources, a brief enumeration will prevent confusion and allow for replication. Information on the American higher civil service was found in the *American Federal Executive*, and additional information was generated by operations on the original data.[24] *The Image of the Federal Service* and its companion *Source Book* supplied the data on the civil service as a whole, and M. Kent Jennings' study of the Hatch Act provided the source for the remainder of the American data.[25] All information presented on the English Civil Service was taken from the *Fulton Report* on the Civil Service, Volume 3 (No. 1). Information on India, Denmark, France and Turkey originally appeared in "Representative Bureaucracy."[26] Finally, issue positions and values of the U.S. bureaucrats were taken from the Survey Research Center's 1972 election survey.

The standards used to determine if the bureaucracy does "mirror" the society at large include age, education, income, size of birthplace, social class, region of birth, and father's occupation. Although all are used to some extent, to simplify the presentation, this paper will stress father's occupation because occupations tend to be stable over time and represent the best single indicator of objective social status.[27]

Fortunately, several scholars of politics, economics, and mathematics have studied indicators of inequality and have suggested appropriate measures. Yntema argues that an acceptable measure must be independent of the number of persons in the distribution and the unit of measurement. It must also be a single value, easy to compute, imply inequality, and vary between set limits. Alker and Russett also stress the amount of information the measurement uses and its stability when data are missing.[28] Two closely related measures fulfill these criteria and were chosen for this study: the Lorenz curve and the Gini index of concentration.

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[24] W. Lloyd Warner, Paul P. Van Riper, Norman H. Martin, and Orvis F. Collins, *The American Federal Executive* (New Haven: Yale University Press, 1963).

[25] Franklin P. Kilpatrick, Milton C. Cummings, and M. Kent Jennings, *The Image of the Federal Service* (Washington: The Brookings Institution, 1964); M. Kent Jennings, "Study of Federal Executives," data provided through ICPR.

[26] Subramaniam, "Representative Bureaucracy." In his article Mr. Subramaniam lists the original sources of his information. Population figures were taken from the *U.N. Statistical Yearbook.*

[27] The accepted argument on this position is Richard Centers, *The Psychology of Social Classes* (Princeton: Princeton University Press, 1949). Objective social status is measured in terms of occupation, income, etc. Subjective social status is the social class to which the respondent feels he belongs.

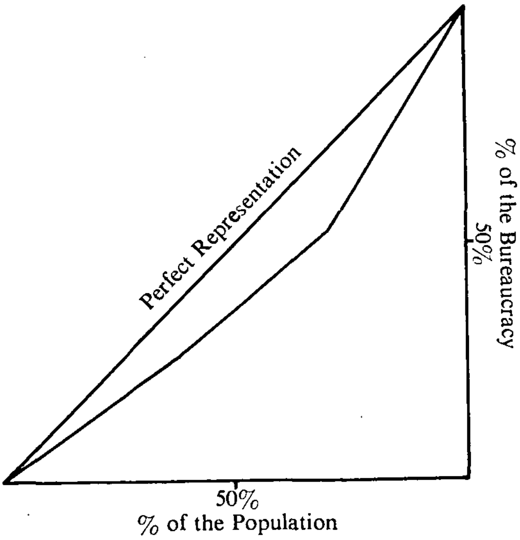
[28] Dwight Yntema, "Measures of Inequality in the Personal Distribution of Wealth or Income," *American Statistical Association Journal,* 28 (December, 1933), 423–433; Hayward R. Alker and Bruce M. Russett, "Indices for Comparing Inequality," in Richard L. Merrit and Stein Rokkan, eds., *Comparing Nations* (New Haven: Yale University Press, 1966), 349–372. Other discussions of the issues include M. O. Lorenz, "Methods of Measuring the Concentration of Wealth," *Quarterly Publications of the American Statistical Association,* 9 (June, 1905), 209–219; and Mary Jean Bowman, "A Graphical Analysis of Personal Income Distribution in the United States," *American Economic Review,* 35 (September, 1945), 607–628.

The Lorenz curve is a graphical representation of inequality used in economics for depicting inequality in income distribution. For the purposes of this analysis the Lorenz curve will be plotted on two axes of cumulative percentages. The horizontal axis will be the cumulative percentage of the population having a given characteristic, and the vertical axis will represent the cumulative percentage of civil servants with the same characteristic. The distance of the inequality curve uniting the data points from the 45 degree line, which measures perfect equality, gives a visual representation of inequality. A single number which summarizes the degree of inequality is the Gini index of concentration, *R*, which is the area under the 45 degree line and above the line of inequality divided by the total area of the triangle.[29] The Gini index varies between zero (perfect equality) and one (perfect inequality).

To facilitate the analysis, an arbitrary standard of *R* less than .25 will be considered acceptable for a representative bureaucracy. The null hypothesis will be that the bureaucracy overrepresents the upper-status elements of society. For this reason the bureaucrat's father's occupation and other variables will be ordered by status. Although no consistency exists about occupational status, especially crossnationally (a problem which plagued Subramaniam's analysis), the ordering used will be presented but not defended. A slightly different ordering will not significantly alter the results.[30]

Empirical Data

Beginning with the entire United States federal civil service which, according to the traditional theories, must "mirror the society as a whole," Figure 2 depicts the Lorenz curve based on father's occupation ordered by status. The claims of the traditional theories are upheld by the data; the Gini index of concentration of .12 indicates that the bureaucracy of the U.S. federal government is indeed representative of the American people. The minor deviations from perfect representation are probably the result of minor discriminations or measurement error.[31] Extending the analysis to other characteristics of the population, we find similar results. When the general population of employable age is compared to the civil service (Figure 3) in terms of education, the civil service is surprisingly representative (surprisingly in terms of the professional state and the notion of a professionalized civil service). The Gini index of concentration equals .11, most of which is contained in the lower education levels, a function of the near-universal high school education of the civil service. In terms of age, the civil service compares favorably with the working population. An examination of the Lorenz curve ($R = .11$) again demonstrates that the slight degree of underrepresentation occurs primarily in the younger age groups. With current annual income,



$R = .12$

Source: Jennings, 1967.

Figure 2. U. S. Civil Service: Occupation Ordered by Status

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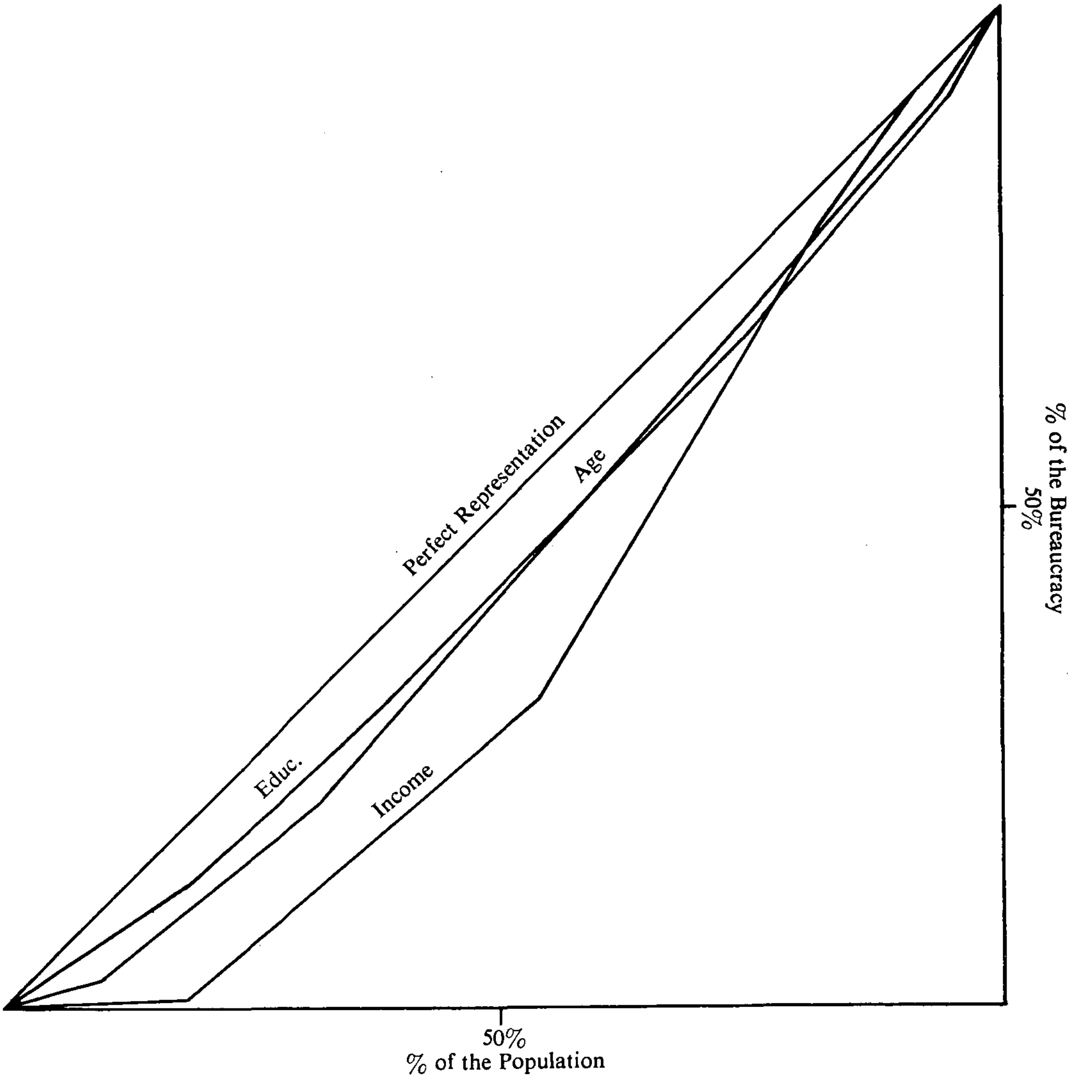
[29] The Gini index is calculated by the following equation:

$$\frac{2\int_{0}^{100}[X - f(X)]dx}{10{,}000},$$

where *X* by definition is the equation of the 45-degree line and *f(X)* is the equation of the line of inequality. Actually this method of calculating *R* assumes the equation of the line of inequality is known. Since occupation, the major variable, is discrete rather than continuous, *R* will be calculated by summing areas of triangles. This procedure while avoiding the assumption of a regular curve of inequality will slightly underestimate the Gini index because the individuals are probably not randomly distributed throughout the interval but clustered toward the top of the interval.

[30] The ordering for occupations (in ascending order of status) is as follows: unskilled labor, farm labor, skilled labor, clerical and sales workers, miscellaneous, farm owners, small businessmen, large businessmen, and professionals. The nonurban occupations are difficult to position and were placed somewhat arbitrarily. Again, a slight reordering does not significantly affect the size of Gini index.

[31] That the bureaucracy as a whole is representative of the people should not be surprising because the category of "civil servants" includes all employees of the federal government encompassing not only all GS positions but wage board employees, postal carriers, etc. Since these occupations are relatively open without regard to education and perhaps do not constitute a significant upward movement on the part of the employee, it is likely that the total service will be very representative.



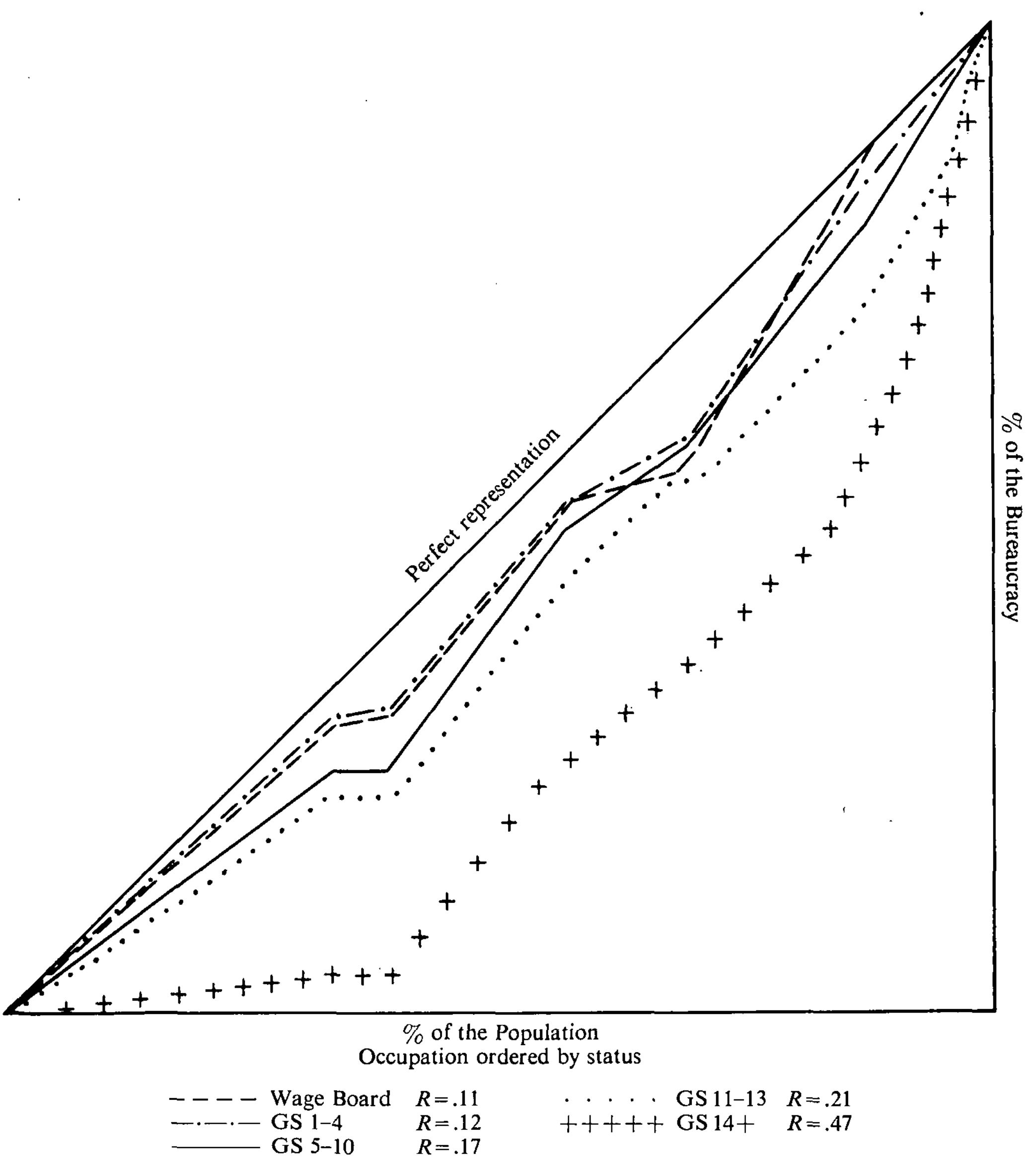
Education $R=.11$
Income $R=.25$
Age $R=.11$

Source: Jennings, 1967.

Figure 3. U. S. Civil Servants: Selected Characteristics

the final variable for comparison in Figure 3, the civil service, as expected, is slightly less representative of the working population ($R=.25$). Again, a brief view of the distribution curve reveals that the unrepresentativeness is contained in the extremely low and extremely high income categories. This unrepresentativeness is understandable in that the federal government has a minimum wage above that which might be paid unskilled or semiskilled workers elsewhere, and the unrepresentativeness at the higher income levels is a direct function of the income ceiling placed on the civil service by Congress. In terms of father's occupation, education, age, and income one can conclude that the United States civil service does indeed mirror the American people as a whole.

Viewing the distributions of father's occupation from a different perspective, however, reveals additional data. Dividing the sample into groups by GS grade levels is necessary to test whether or not the upper levels of the civil service are representative. Beginning with those civil servants under



Sources: Jennings, 1967, and Warner, 1963.

Figure 4. Representativeness of the U. S. Civil Service by Grades

wage board system of classification, Figure 4 demonstrates that they do not have family backgrounds much different from those of the American public ($R = .11$). Civil servants under the wage-board classification system, however, should not be of higher status than the public since they are comprised mainly of blue-collar workers in occupations with few income-education barriers. Civil servants in the GS 1 through GS 4 classifications (and equivalents) form a pattern closely similar to the wage-board personnel ($R = .12$). The rest of the group distributions begin to take on a pattern; GS 5 through GS 10 classifications ($R = .17$) and GS 11–13 ($R = .21$) classifications are slightly more unrepresentative of the population; and those civil servants classified at GS 14 and above, the higher civil service, begin to diverge significantly ($R = .47$) from the distributions found in the general public.[32] Table 1, a tabular display

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[32] The reason for the quantum jump between the GS 11–13 classifications and those in the higher civil service (GS 14+) may be partially explained in terms

Table 1. Father's Occupations for Higher Civil Servants and General Population

Father's Occupation	% of Bureaucrats	% of Population
Unskilled Labor	4	33
Farm Labor	0	6
Skilled Labor	15	19
Clerical and Sales	12	10
Other	2	1
Farm Owners	16	15
Foremen	5	2
Small Business Executives	15	7
Large Business Executives	14	3
Professionals	17	4
	100	100

Source: Warner et al. (1963).

of some of the data used to calculate the Lorenz curve and Gini index, demonstrates this high degree of unrepresentativeness. The lower 39 per cent of the population in occupational status account for only six per cent of the higher civil servants, while the top seven per cent of the occupations contribute nearly one third of the higher civil servants. Because one tends to equate occupation status with social class, it will be helpful to note the distributions of the civil servants at various GS levels in terms of their subjective social class when growing up (Table 2). In a pattern similar to father's occupation, bureaucrats with middle-class backgrounds are more likely to reach the upper levels of the civil service. Although three out of four members of the general population claim working-class status when growing up, the percentage of higher civil servants who claim similar status is slightly more than one third. A table with subjective social class based on the respondent's current position in life would reveal a similar pattern except that the differences would be more extreme because a higher civil servant would have some difficulty claiming he was a member of the working class.[33]

Viewing the upper civil service as group, one does not find a cadre of people who are broadly representative of the American people. The higher civil service, however, is a large amalgamation of different people who perform a variety of more or less important tasks. Distinguishing the higher civil service by individual grades (e.g., GS 15) will provide more information and reflect further upon the hypothesis of a representative leadership. Rather than adding support to the claim of a representative bureaucratic leadership enunciated by Long (1952) and others, Figure 5 contradicts it. The higher ranks in the civil service are less representative than the lower ranks, and the unrepresentativeness increases with each increase in rank. Apparently the selection and promotion processes of the higher civil service coupled with environmental factors serve to increase the unrepresentativeness of the bureaucracy rather than alleviate it.

That a bureaucracy becomes less representative of the people as one ascends the hierarchy should not come as a surprise; the pattern is evident in other countries also. Figure 6 depicts the representativeness of the various classes of the English civil service with the distributions ordered in terms of English social classes which are objectively determined by the person's occupation. The

Table 2. Percentage of Bureaucrats in Each Social Class when Growing Up

Social Class	Population	Wage Board	GS 1–4	GS 5–10	GS 11–13	GS 14+
Middle	31	28	26	36	43	64
Working	69	72	74	64	57	36
N=	1230	178	270	295	153	22

Sources: SRC, 1966, and Jennings, 1967.

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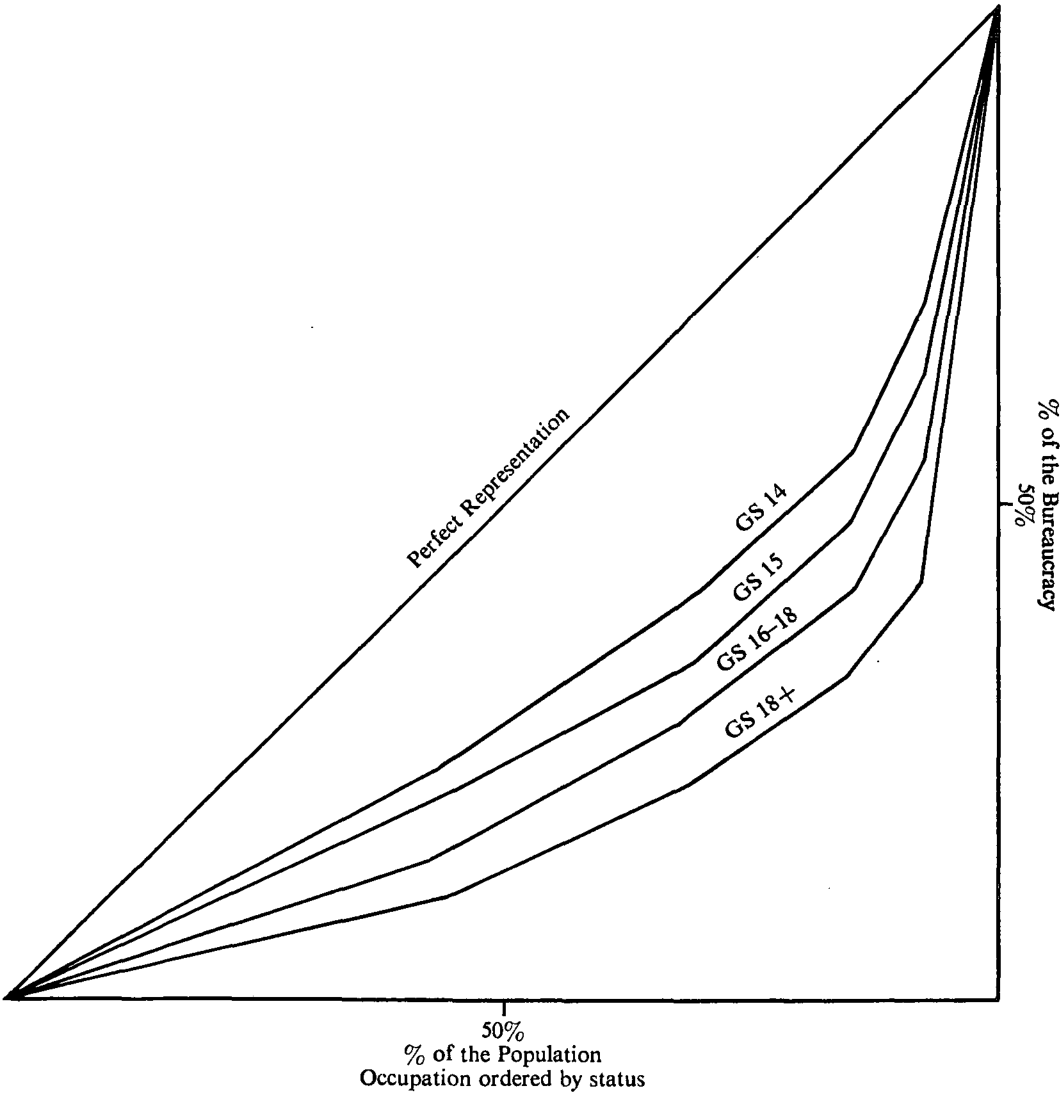
of the two groups' composition. The higher civil service includes the bureau chiefs, division heads, and section chiefs, the day to day leaders of the civil service. The 11 through 13 classifications, on the other hand, contain two distinct groups of people. First, the management and professional personnel marked for promotion to higher levels, they entered the civil service at GS 5, 7, or 9 and probably reached the 11–13 group in two to eight years after entry. These personnel should be similar to the higher civil service in composition. The other major category is those civil servants who have been in the civil service for significant portions of their lives, have been passed over for promotions, and have little likelihood of ever entering the higher civil service. Since the latter group is more numerous than the former, the index of concentration is closer to the lower categories than it is to the higher civil service.

[33] The distribution of the respondents' subjective social class is as follows:

Table 3. Percentage of Bureaucrats Presently in Each Class

Social Class	Population	Wage Board	GS 1–4	GS 5–10	GS 11–13	GS 14+
Middle	41	31	44	54	80	91
Working	59	69	56	46	20	9
	$N=1247$	175	268	294	152	22

Sources: SRC, 1966, and Jennings, 1967.



GS 14 $R=.37$ GS 16–18 $R=.54$
GS 15 $R=.45$ GS 18+ $R=.63$

Source: Warner, 1963.

Figure 5. Representativeness of the U. S. Higher Civil Service by Grades

lowest class in the English civil service, clerical, is easily the most representative ($R=.07$) while the executive class ($R=.25$) is intermediate; and the administrative class is the most unrepresentative ($R=.53$). The pattern of the distributions is not surprising since entry into English civil service classes is based on educational attainment and public-school education is beyond the financial means of most English families.[34] When one examines the internal rankings of the administrative class, the more elite ranks are also less representative; the undersecretaries, the next to the top rank, for example, have a Gini concentration of

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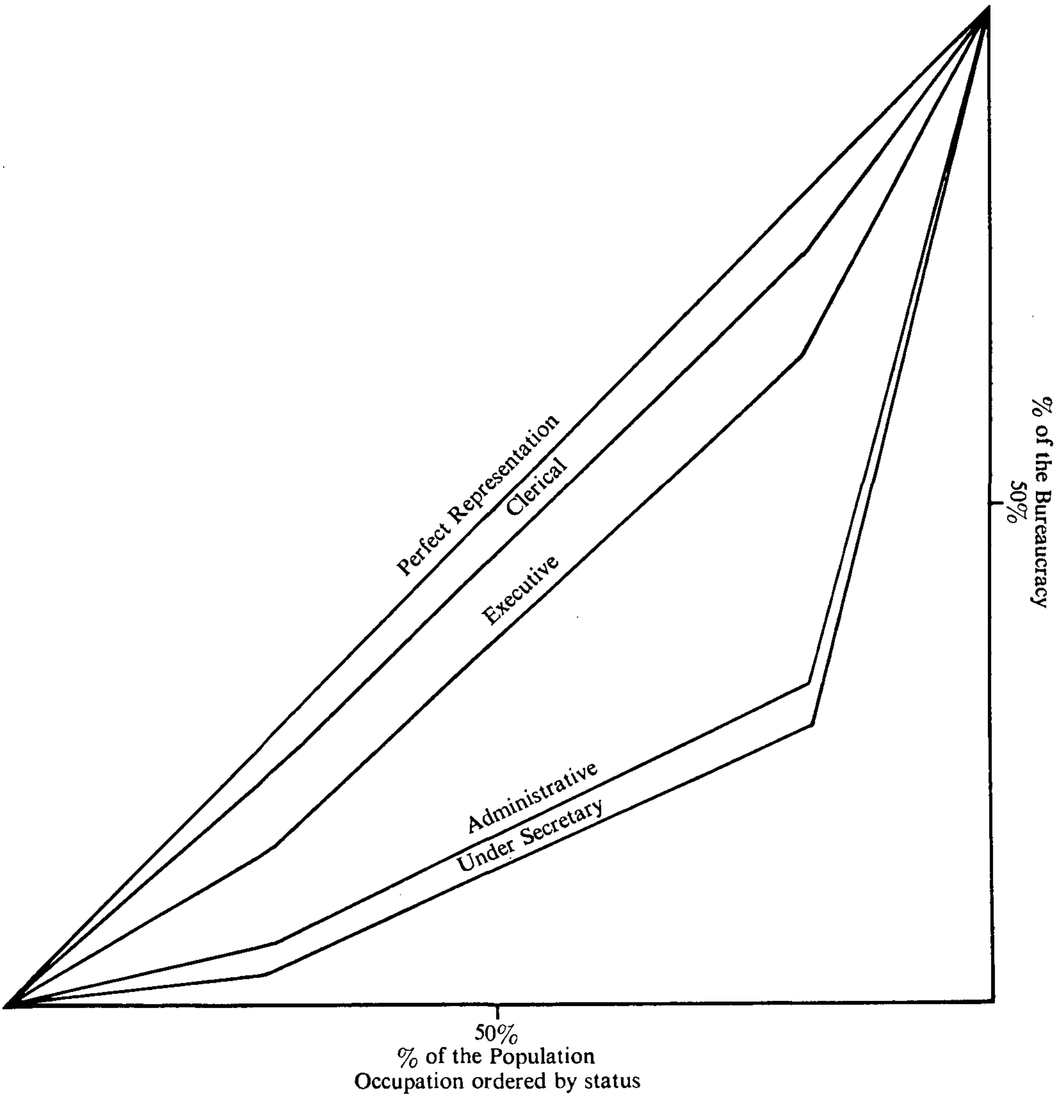
[34] All figures presented here are from the Fulton report and as such do not reflect the changes made as a result of the report, specifically the combination of the administrative and executive classes. Felix A. Nigro, "What Has Happened to Fulton?" *Public Administration Review*, 33 (March/April, 1973), 185–187 has argued, however, that the reforms did not affect the distinction between the elite grades of the former administrative class and the more common grades of the executive class. If this is true, then the present distribution would not significantly differ from the findings presented here.



Clerical	$R=.07$	Administrative	$R=.53$
Executive	$R=.25$	Under Sec.	$R=.61$

Source: Fulton Report.

Figure 6. United Kingdom—Representativeness by Class

.61. A remarkable fact about the English civil service system is the close degree to which its representative distributions form a pattern similar to the United States despite differences in recruitment philosophy. The differences are probably a result of the larger size of the U.S. higher civil service.

When compared with other countries for which data are available on the higher civil service (concerning father's occupation), the United States higher civil service fares rather well. Of the six nations appearing in Figure 7, the United States' civil service is easily the most representative followed by the United Kingdom and Denmark, with France, Turkey, and India trailing respectively.[35]

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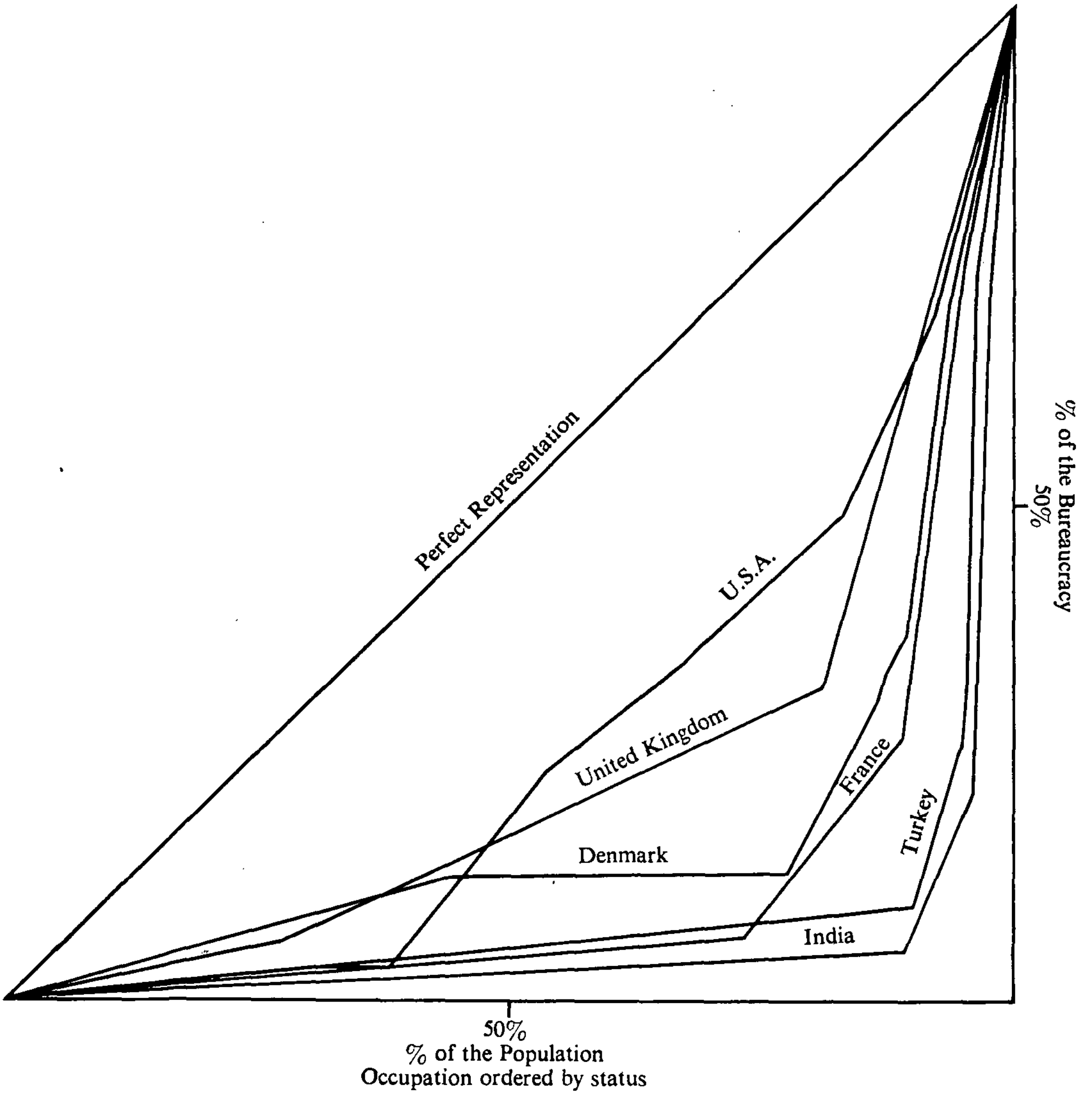
[35] Any implications drawn from the data presented in Figure 7 must be qualified. The statistics on the civil service were taken from many diverse surveys and the population statistics were taken from the *U.N. Statistical Yearbook* for the appropriate year (in most cases the earliest year reported). In addition to problems related to the accuracy and comparability of these sources, occupational status is not consistent across national boundaries. Despite these complications and limitations, the indices do conform to non-



United States	$R=.47$	France	$R=.78$
United Kingdom	$R=.53$	Turkey	$R=.82$
Denmark	$R=.66$	India	$R=.89$

Source: Subramaniam, 1967.

Figure 7. A Six Nation Comparison of the Higher Civil Service in Terms of Representativeness

The United States, then, does measure up somewhat to the traditional mythology about being an open civil service. Examining the curves demonstrates that the United States represents the middle status occupations far better than any other country surveyed, but it actually trails behind the United Kingdom and Denmark in representing the lower third of the occupations and does only slightly better than France and Turkey. One must agree with Subramaniam (1967) that the representativeness of a nation's bureaucracy is related to the size of the middle class in that nation.

Returning to the U.S. higher civil service, Figure 8 portrays the representativeness of the bureaucracy in reference to several other traits mentioned as important by Long (1952), Van Riper (1958), and Mosher (1968). Examining the size of one's birthplace on an urban-rural dimension, the bureaucracy demonstrates a fair degree

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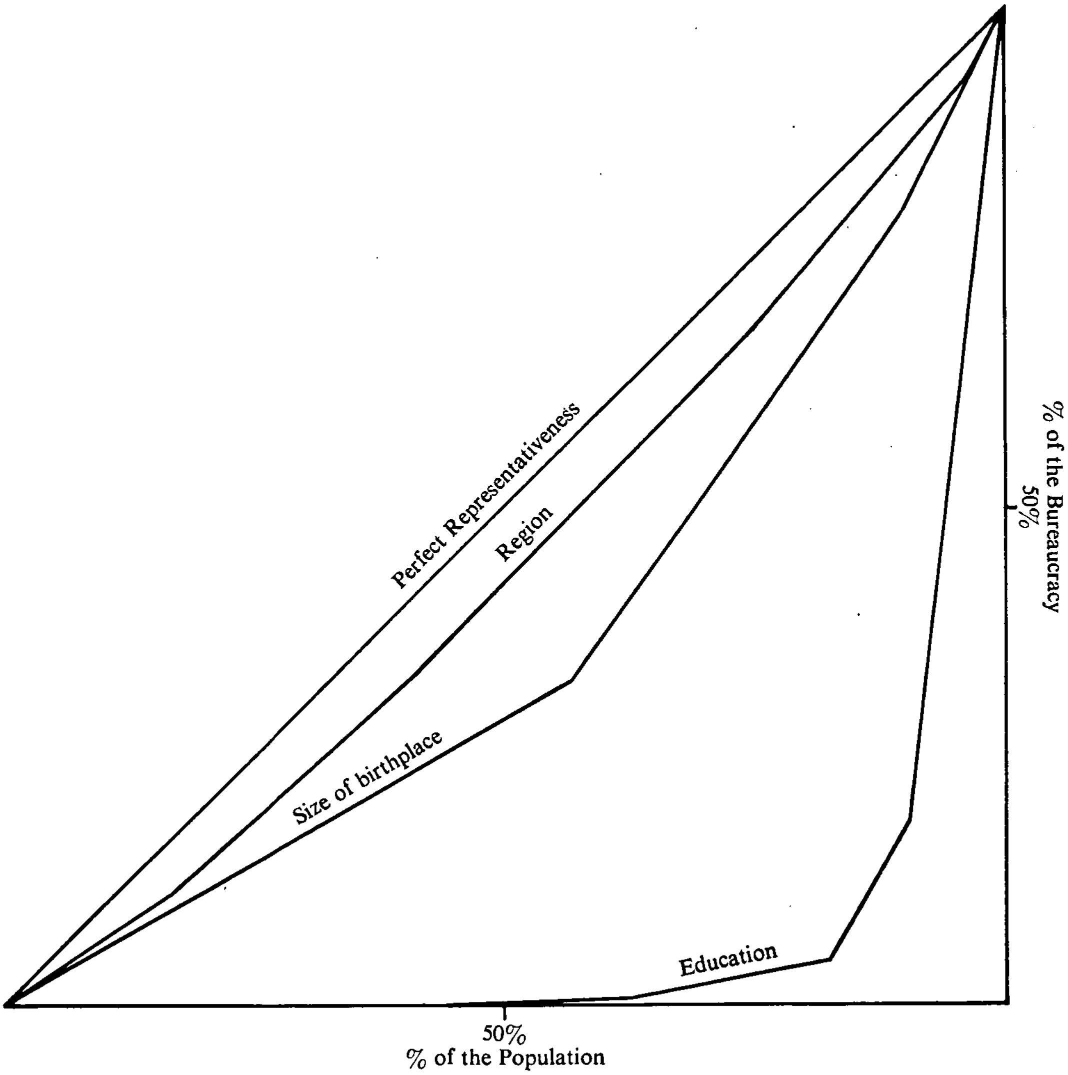
empirical impressions of the elite nature of given bureaucracies and are probably accurate to the nearest tenth.



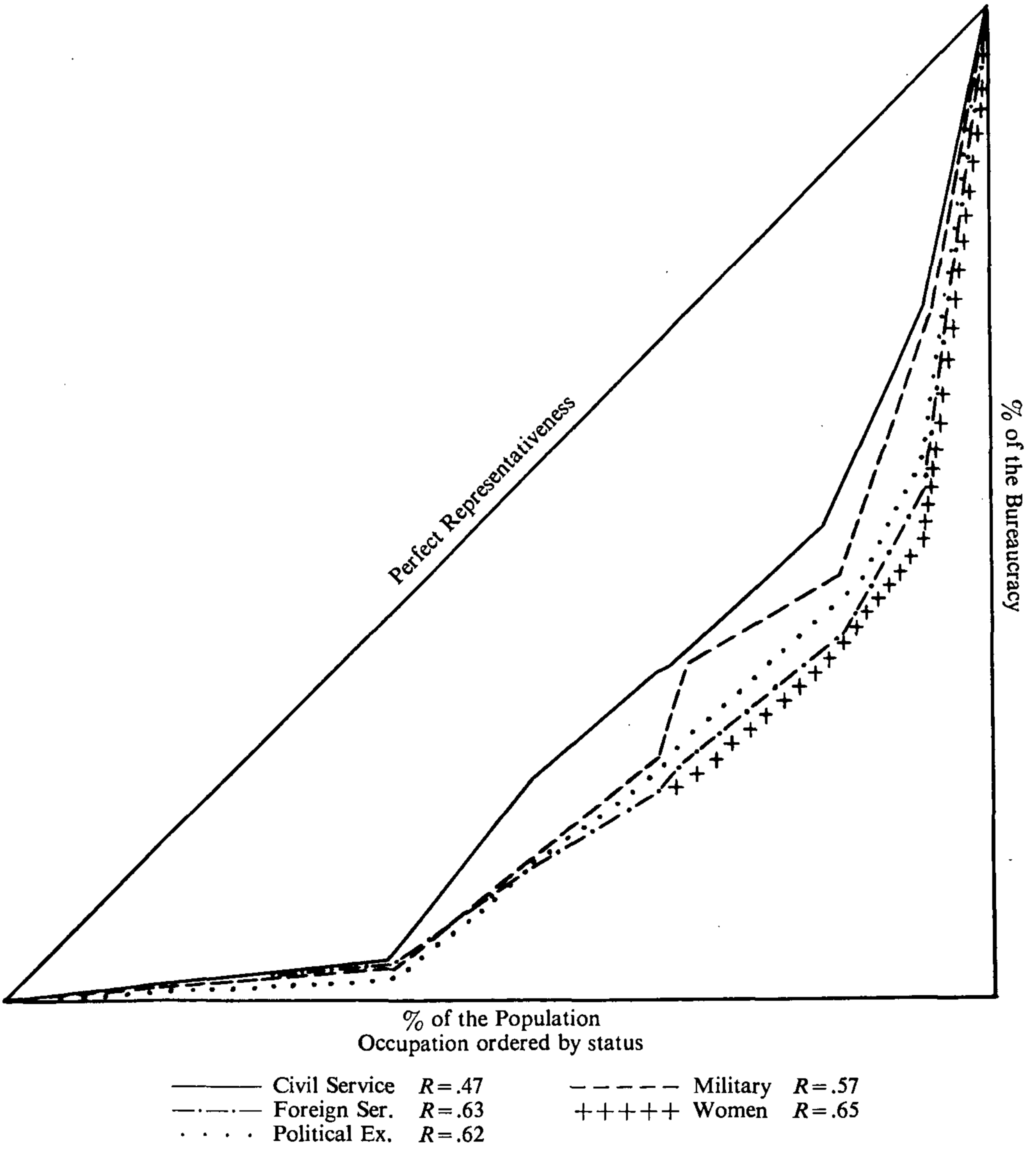
Region of Birth $R = .13$
Birthplace size $R = .25$
Education $R = .86$

Source: Warner, 1963.

Figure 8. U. S. Higher Civil Service—Selected Characteristics

of representativeness ($R = .25$) as does the region of birth variable ($R = .13$). The latter is noteworthy because an overwhelming majority of the higher civil servants live in Washington, D.C. Turning to current education, the distribution is highly skewed in favor of those with advanced degrees ($R = .86$); however, the demands for expertise from a civil service make this a logical distribution.

In "Bureaucracy and Constitutionalism" Norton Long (1952) contends that the representative qualities of the American civil service compensate for the unrepresentativeness of the political branches of government. To uphold this contention, the bureaucracy must, to some extent, be more representative than other branches of government. In Figure 9 the civil service is compared to the higher ranking foreign service officers, to the flag officers of the military (generals and admirals), and to the political executives. Again the civil service is the most representative, followed by the military ($R = .57$), the political executives ($R = .62$), and the foreign service ($R = .63$). Although the bureaucracy might compensate for



Source: Warner, 1963.

Figure 9. Representativeness of U. S. Elites

the unrepresentativeness of the political appointees, clearly it does not compensate more than marginally; and Long's proposal is only weakly supported. In addition, the data demonstrate that the claims of the unrepresentative nature of the foreign service are indeed true; and Long's contention that the political branch (operationalized in this instance as politically appointed executives) is unrepresentative is also valid.

Before investigating the representativeness of the various departments and embarking on an analysis of the values of civil servants in the United States, the position of minorities in the bureaucracy will be presented. Racial and sexual minorities are the newest concern of representative bureaucracy, with Civil Service Commission policies supporting a bureaucracy that includes more women and racial minorities. Since data are not available on the distribution of nonwhites in the federal bureaucracy by father's occupation, aggregate data by GS level will be used. Table 4 demonstrates that the percentage of nonwhites decreases progressively as one ascends the bureaucratic hierarchy. Although this distribution

Table 4. Non-Whites by Grade in the U. S. Civil Service

Grade	% Non-White
GS 1–4	27
GS 5–10	17
GS 11–13	6
GS 14+	4.5

Source: CSC, "Minority Group Employment in the Federal Government, 1972."

Table 5. Female Employment by Grade in the U. S. Civil Service

Grade	% Female
GS 1–4	75
GS 5–10	48
GS 11–13	9
GS 14+	3

Source: CSC "Study of Employment of Women in the Federal Government, 1971."

may be a function of education, qualifications, age or several other factors, the "malapportionment" has ramifications for a representative bureaucracy.[36]

Their case has been presented more recently, but the status of women in the civil service is significantly worse than that of the nonwhites. Table 5 depicts the distribution of the 40 per cent of the civil service who are women. More than 75 per cent of the lower positions in the bureaucracy are filled by women, while only three per cent of the higher civil service positions are similarly filled. Again this distribution may be a function of other variables which were not reported by the Civil Service Commission. When those women who have attained a position in the higher civil service are compared (by father's occupation) with American women in general (see Figure 8), they are more unrepresentative than their male counterparts are of the male population ($R = .61$). Women in the higher civil service tend to a greater degree to have fathers who were professionals and major executives.

Unfortunately for any test of the representativeness of a bureau's leadership or even of a total bureau, very few data are available.[37] Using the data on the entire civil service, however, reveals some interesting distributions of father's occupations (Table 6). Since we are no longer dealing with exclusively leadership positions, the criterion of a Gini index exceeding .25 will be dropped and the figure for the entire civil service (.12) will be substituted for comparison. The Department of Agriculture by this criterion is highly unrepresentative; a closer inspection would reveal that this is a function of the overrepresentation of the sons of farm owners. Although Defense and the Veteran's Administration are slightly less representative than the entire civil service, the Post Office and Treasury Department are slightly more representative; all perhaps explainable in terms of the type of employee which dominates each agency. These figures, plus the additional ones reported in Table 6, indicate that the representativeness of the bureaucracy does indeed vary from bureau to bureau in the federal government. Given also the increase in unrepresentativeness among the higher levels of the civil service, one can tentatively conclude that not every bureau in the federal bureaucracy is representative of the American people.

This paper has stressed the addition of values to the theory of representative bureaucracy and, thus, requires some attempt, however crude, to draw some preliminary inferences about the values held by civil servants compared to those held by the American public. Since no studies on the values of civil servants have been conducted (except the study of occupational values made by Kilpatrick et al. [1957]), the reader will again be enticed on a journey through secondary analysis. Using the 1972 election and substituting issue positions for general values (strongly correlated

Table 6. Indices of Representation by Bureaus—All Employees

Department or Unit	Gini Index
U. S. Government	.12
Agriculture	.33
Defense	.14
Veteran's Administration	.17
Health, Education, and Welfare	.22
Post Office	.08
Treasury	.09
Other Executive Departments	.26
Other Executive Agencies	.25

Source: Jennings, 1967.

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[36] Recent discussions of representative bureaucracy in terms of race and sex include David Nachmias and David H. Rosenbloom, "Measuring Bureaucratic Representation and Integration," *Public Administration Review,* 33 (November/December, 1973), 590–597; Eugene B. McGregor, Jr., "Social Equity and the Public Service," *Public Administration Review,* 34 (January/February, 1974), 18–28.

[37] The data collected by Warner, Van Riper, Martin, and Collins (1963) would be ideal for such analysis, but all efforts to locate existing copies of the data failed. The Jennings data used in this section is limited by a sample size of less than one thousand. While thoroughly adequate for generalizations about the entire civil service, the numbers shrink precipitously when parcelled out by bureaus, a fact which accounts for which departments were reported.

theoretically),[38] I compared employees of government—federal, state, and local—to the remainder of the populace (Table 7).[39] The reader will note that although significance levels are low, data are reported nevertheless because the significance levels are in part a function of the unequal distribution of the sample and because the data generally form a consistent pattern.

Voting and party identification are cumulative indicators of a person's value set. In 1972, public employees were slightly more pro-McGovern and slightly more Democratic than the American people, but not significantly so. Public employees consistently took issue stands which were more "liberal" than the American people, giving more support to an immediate withdrawal of troops from Vietnam, trade with Communist countries, increasing taxes on high incomes, legalizing marijuana, protecting the rights of the accused, and government intervention to aid minorities. Although the liberal pattern is evident, the lack of significant distributions requires skepticism in any claims about public employees' values compared to those of the general public.

Conclusion

This paper has come to several conclusions on the existence and value of representative bureaucracy. As Long (1952) contends, the United States federal bureaucracy as a whole is broadly representative of the American people in terms of age, income, education, and father's occupation. Unfortunately, this relationship is weakened when one divides the civil service into grades and observes the higher positions. Since most of the important decisions made by the civil service are concentrated at its higher levels, the unrepresentative nature of the elite of the civil service corps is cause for rejecting the notion that a representative bureaucracy exists in the United States. If one interprets representation in Mosher's passive sense, the unrepresentativeness of the civil service prevents it from atoning for the deficiencies of the political branches of government. Perhaps the most damaging blows to the claim of a representative bureaucracy understood as implying that every bureau's leadership must be representative of the people at large is the empirical evidence that this is indeed not the case. Although the data used in this paper are subject to the limitations and strains of secondary analysis, the evidence clearly contradicts the existence of representative bureaucracy in the United States.

If the normative theory of control through representative bureaucracy is revised to include the civil servant's values, the normative theory is strengthened and the empirical claim of representativeness is still to be tested. In fact, the relationship between the degree to which a bureaucracy is socioeconomically representative and the degree to which it holds values which also represent those of the general public has not been determined. The brief analysis presented here is hardly conclusive. Although little data exist at the present time, questionnaires could be designed to measure both these factors and probe their degree of interrelationship—a high priority for the theory of representative bureaucracy. Such studies could be conducted not only on the federal level but also on the state and local levels where the legion of

Table 7. Public Employee's Issue Positions

	% Public Employees Favorable	*N*	% Population Favorable	*N*	*p*
Vote for Nixon	61.0	128	64.6	1411	ns
Republican Party Identification	32.3	130	34.6	2482	ns
Withdraw from Vietnam	47.6	63	43.7	1133	ns
Trade with Communists	83.3	48	64.1	840	.01
Increase Taxes on High Incomes	60.0	50	52.8	922	ns
Legalize Marijuana	31.9	113	23.7	2105	.06
Protect Rights of the Accused	50.7	77	43.1	1478	ns
Govt. Should Help Minorities	51.4	74	44.1	1431	ns

Source: SRC, 1972. All percentages and significance levels are based on a 2×2 table dichotomized for or against a given issue.

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[38] Martin Fishbein and Fred Coombs, "Basis for Decision: An Attitudinal Approach Toward an Understanding of Voting Behavior," paper presented at the 67th Annual Meeting of the American Political Science Association, Chicago, September 7–11, 1971, contend issue positions can be interpreted as evaluative components of attitudes and, thus, as values.

[39] The subsample of public employee households has the limitation of including all public employees, not just those holding leadership positions. All employees rather than just federal employees were included because the number of federal employees was too small to permit analysis. A better test, if data were available, would be to compare upper-level civil servants with both the public and a subset of the public with similar status achievement.

bureaucrats dwarfs the size of the federal establishment. The arguments for a representative bureaucracy or for any type of bureaucracy apply equally, if not more cogently, to those governments "closest" to the people.

Even if the U.S. federal bureaucracy were demonstrably representative in terms of social characteristics, the possibility still exists that it might be unresponsive to the people it represents. If the socialization study of Brim and Wheeler is correct in concluding that socialization is a process which continues throughout the life cycle, the bureaucrats who are resocialized by their upward mobility may reject the values of their origin. Barber's (1970) study of upward mobility and political attitudes indicates that political attitudes do change in the mobility process. Lest the proponents of representative bureaucracy forget their Marxian roots, Karl Marx once suggested, "The more a ruling class is able to assimilate the most prominent men of the dominated classes, the more stable and dangerous is its rule."[40] Further analysis, therefore, is necessary before one concludes that a representative bureaucracy, if one exists, would be a valuable addition to the polity.

On the whole the theory of representative bureaucracy fares poorly in this analysis, but any student would be remiss if he did not point to a basic misconception which permeates the literature on bureaucratic responsibility and fosters the theory of representative bureaucracy. Representative bureaucracy assumes from the outset and actually takes its life blood from the assumption that traditional external controls (Redford, 1969) on public bureaucracy are insufficient to insure responsibility. This debate has lasted at least three decades, with Finer (1941), Hyneman (1950) and others advocating external controls, and Friedrich (1940), Mosher (1968), Long (1952) and numerous others recommending the inner check. The time has come to lay to rest this unending debate.

Administrative responsibility, or political responsibility of any kind, is not an either/or matter of only internal or only external controls. If external political controls exist and internal controls do not, violations of the "code of responsibility" will occur. Formal controls and sanctions have one serious fault; the costs of universal application far outweigh the gains from such an application. More simply expressed, those in the political branches of government (and in other control agencies) do not have the time, manpower, and perseverance to prevent all possible administrative abuse; their time is better spent on more important things. On the other side of the question, if only internal, ethical controls exist, then violations of the "code of responsibility" will also occur. Internal controls may be thought of as society's way of instilling internal, positive reinforcement. But if no formal sanctions exist, the bureaucrat will eventually reach a situation where the utility from unresponsible behavior exceeds that from responsible behavior. If he does not have to consider the probability of external sanctions, he will commit the act. The conclusion is simple: In order to be effective any type of control must rely both on internal, ethical checks and on external sanctions; both must be present for the system of controls to function. Any discussion of whether internal or external controls are more effective assumes they are separable, an assumption that cannot be upheld. We need to forego this futile argument on the relative merits of internal and external controls on bureaucracy and concentrate instead on determining the interactions between the two control types and their combined effectiveness. The ramifications for representative bureaucracy are self evident: we must consider it a control mechanism only within the broader network of external controls and additional internal controls.

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[40] From *Capital,* Vol. III, pp. 649 cited in T. B. Bottomore, *Karl Marx: Selected Writings in Sociology and Social Philosophy* (New York: McGraw-Hill, 1964), p. 190.

Budgetary Strategies and Success at Multiple Decision Levels in the Norwegian Urban Setting*

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The conceptualization of the budgetary process as a series of relatively simple decision rules has begun to pay dividends in the form of confirmed empirical regularities in the field of political behavior. Studies on budgeting at the national, state, and municipal governmental levels in the United States repeatedly have provided validating evidence for the proposition that under rather apparently complex decisional settings, budgetary behavior tends to become quite simple. As problems become more elusive and required information more difficult to obtain, decision makers typically choose simplified decisions rules in the face of such complexity. Confirming empirical evidence as well as convincing arguments have been provided on several occasions.[1]

Although several pioneering works have appeared in the United States, little is known about how the hypotheses and conclusions of these studies bear up under cross national scrutiny.[2] Indeed, we can as yet hardly speak of budgetary processes even in the western or "developed" world as long as the parameters of governmental organization are so varied. The American case might even be considered an exception since some variation of parliamentary, not presidential, governmental forms are more common in the nations which we normally think of as developed. The purpose of this study is to test some of those previously developed propositions in an alternative governmental setting—the municipal government of Oslo—and to suggest an additional set of hypotheses which we believe to hold in that alternative setting.

The intellectual genesis of our work owes much to three earlier important studies of budgetary processes. Sharkansky reports results from a study of budgeting in nineteen American states for which data were obtained on agency requests, governor's recommendations, and legislative appropriations.[3] With the techniques of causal analysis, Sharkansky assesses the importance of both the acquisitiveness of the agency and the support from the state governor for short-term and long-term agency expansion. He argues that in spite of the severe short-term treatment given agencies which request excessive increases, an acquisitive strategy is a prerequisite for significant budget expansion in the long run. Support from the chief political officer, the state governor, is, however, generally more important than is the acquisitiveness of the agency.

Crecine's computer simulation of municipal budgeting in three American cities—Detroit, Cleveland, and Pittsburgh—represents an innova-

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[1] See, for example, Richard Cyert and James March, eds., *A Behavioral Theory of the Firm* (Englewood Cliffs, N.J.: Prentice-Hall, 1963); David Braybrooke and Charles Lindblom, *A Strategy of Decision: Policy Evaluation as a Social Process* (New York: Free Press of Glencoe, 1964); Otto A. Davis, M. A. H. Dempster, and Aaron Wildavsky, "A Theory of the Budgetary Process," *American Political Science Review*, 60 (September, 1966), 529–547; Aaron Wildavsky, *The Politics of the Budgetary Process* (Boston: Little, Brown, 1964); John P. Crecine, *Governmental Problem-Solving: A Computer Simulation of Municipal Budgeting* (Chicago: Rand McNally, 1969).

[2] Some comparative work has begun to appear in the research literature. See, in particular, Aaron Wildavsky, *Budgeting* (forthcoming); Hugh Heclo and Aaron Wildavsky, *The Private Government of Public Money: Community and Policy Inside British Politics* (London: Macmillan Company; Berkeley and Los Angeles: University of California Press, 1973); and John Creighton Campbell, *The Japanese Budgetary Process* (doctoral dissertation, Columbia University, 1973); and Johan P. Olsen, "Local Budgeting, Decision Making or Ritual Act," *Scandinavian Political Studies*, 5 (1970), 85–113.

[3] Ira Sharkansky, "Agency Requests, Gubernatorial Support, and Budget Success in State Legislatures," *American Political Science Review*, 62 (December, 1968), 1220–1231.

tive analytic strategy.[4] Submodels for departments, mayors, and city councils are developed which appear to model the empirical processes quite well. The results support the general hypothesis that "the more 'complex' the problem, the 'simpler' the decision rules used to solve it."[5] Problem-solving mechanisms appeared to be internalized and largely insulated from external pressures. The structure of the decision rules tested was apparently constant across the three cities with only parameter estimates varying.

While we have kept in mind the findings from each of these studies, it is the third study which we have followed most closely in the design of our own research strategy. Davis, Dempster, and Wildavsky, building upon Wildavsky's earlier work, have proposed and tested a set of linear decision rules which describe various strategies chosen by participants in the budgetary process for the American national government.[6] We have found that formulation particularly appealing from the standpoint of the interplay between description, formalization, and interpretation. A given strategy may be followed by an agency official in preparing his budget request for the coming fiscal year. That strategy may be described in purely verbal terms and subsequently modeled in the form of linear equations. The parameter estimates will typically have a straightforward interpretation since (a) each variable in the decision rule equations is tied to a particular property of the strategy itself, and (b) the regression is carried out through the origin in order to insure a percentage interpretation.

The most important distinction to be made between our work and the earlier work by Davis, Dempster, and Wildavsky lies in a fundamental observation about government structure. That work was designed to study budgetary decision making in a presidential system, with a Congress notorious for its independence. In the American national government, the Office of Management and Budget and the Congress often disagree; sufficient variance persists over the years to make an analysis of the strategic links between these two levels meaningful in its own right. The same cannot be said generally of government and legislature in other types of systems in which legislative changes in government-proposed budgets are much subdued. The "real action" may be found in the earlier stages of budgetary preparation and review. In this regard we have been fortunate enough to have access to systematically collected budgetary data for the municipal government of Oslo over a nineteen-year period. An attractive property of the time series data for Oslo is the systematic retention of records on the original agency requests, the departmental action on those requests, and the subsequent action by the Chief Municipal Administrator on the departmental decision, as well as the final appropriation for the agency by the municipal council. From our prior knowledge about budgeting in Oslo, we felt that such observations taken at different stages in the process were important; and we would not have begun this effort without such data. As a result, we hope to contribute to what must become a growing body of comparative information about government budgeting.

The initial focus of our research centers on the notion of strategy—"the links between the goals of the agencies and their perceptions of the kinds of actions which will be effective in their political environment."[7] By estimating the parameters of various simple and complex linear decision models, we shall attempt to arrive at a best-fitting equation for each agency at each level in the budgetary process—an equation which we believe best describes the strategic behavior of the agency or its appropriate reviewing agent over the nineteen-year period. Yet, it is fair to say that our long-term interests lie in the policy implications of strategic behavior. In this regard, the hypothesis that the strategies pursued by individual agencies and their reviewing agents will have implications for actual growth rates of expenditures for agency activities—quite apart from steering attempts by the government itself—is particularly intriguing. Thus, we shall examine the relationships between the acquisitiveness and the complexity of the strategy and the long-term growth rate of the agency, taking some care in dissecting the success or failure of intermediate reviewing levels in stemming the successes of particularly expansive agencies. In a final section of this paper, we return to some of the initial cognitive assumptions of the models; and we utilize a set of systematic interview materials to examine the validity of those assumptions.

The Historical and Institutional Context

The act of budget formulation is one of the real constants of governmental behavior in the modern world. Political questions running the gamut from the complexities of tariff negotiations to the subtleties of civil liberties may be neatly tucked away from one year to another. With respect to government budgets, however, the decision not to decide is not an option. Although the preparation and adoption of the government's budget is a perennially recurring event, both setting and outcome will vary over the cycle. Budgetary decisions are themselves shaped in the broader sense by the institutional restraints and historical developments which surround them—a set of factors for which we shall take only a partial accounting here.

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[4] Crecine.

[5] Crecine, pp. 218–219.

[6] Davis, Dempster, and Wildavsky.

[7] Davis, Dempster, and Wildavsky, p. 530.

Expenditures for the municipal government of Oslo during the immediate postwar period were, of course, affected by the postwar rebuilding program of the national government.[8] Restrictions in the economic sector persisted from 1945 to 1949. By 1952 the transition from a war economy to a peace economy had ended with very few residual restrictions left on communal expenditure policy. The effect of the relaxation in 1952 of national governmental restrictions on communal investment policy is evident in the accelerated growth rate of communal expenditures—exceeding the growth rates of both national governmental expenditures and the gross national product. It is this post-1952 period on which we shall focus the present study.

Oslo is similar to other cities which experience population growth up to a given point and subsequently begin to decline. From 1967, when the number of inhabitants in Oslo reached a maximum, to 1971, Oslo's population decreased by 2.9 per cent. It is particularly relevant for municipal policy in the education and social welfare sectors to note that a substantial proportion of the outmigration from Oslo is composed of families with small children, with a concomitant change in the age distribution of the municipal area. The spatial redistribution of the population within the city itself has necessitated large investments in the city infrastructure, with severe strains being placed upon several municipal policy sectors. As a result, the municipality, dependent upon the income tax as the major source of revenue, currently uses the maximum allowable tax level of about twenty-one per cent.

In this context over the past two decades, budgets for the city of Oslo have been proposed, considered, and adopted. The institutional properties of that procedure itself are relevant, and fortunately for purposes of analysis, that general procedure has remained remarkably constant. During the pre-budgetary preparation period, guidelines are formulated both by the Chief Municipal Administrator and by the department heads. Based upon these initial guidelines, individual agencies formulate their requests. These requests are reviewed by the department heads, from the standpoint of consistency with both their own views of the sector and the views suggested by guidelines circulated by the Chief Municipal Administrator. At this stage the department head's recommendation for the agency is reviewed by a political committee, including both council members and outsiders for each department. It appears that these committees usually side with the agency when conflict arises over cuts by the department head.

Recommendations by department heads are then submitted to the Chief Municipal Administrator, whose task is to produce a coordinated budget for all municipal activities. The role of the Chief Municipal Administrator is substantially determined by a legal requirement set down by the national government: that budgets of every municipality must be balanced. He is bound to cut departmental recommendations up to the point that a balanced budget is produced or to recommend a revenue increase.[9] Since the Chief Municipal Administrator is not a political appointee but rather a municipal civil servant, it is significant to note that the resulting government-proposed budget is almost completely the work of the administration, with the exception of the earlier mentioned political committees.[10]

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[8] A fairly comprehensive review and discussion of the postwar economic development in Norway has been published by the Norwegian Central Bureau of Statistics under the title *The Norwegian Post-War Economy*, SØS 12 (Oslo, 1965). We have also benefited from publications by the Municipal Office of Statistics, particularly, the *Statistical Yearbook for the City of Oslo*.

[9] We have not included the balanced-budget constraint for the Chief Municipal Administrator in the formal decision models set out below; and we see that omission as one of the weaknesses of these kinds of formulations. Nonetheless, we have little reason to believe that systematic bias across agencies or across years is introduced because of the omission. In addition, such a constraint is probably of less importance in the Scandinavian context. Flexibility for some American municipalities is restrained by (1) requirements that tax increases be approved by local referenda, and (2) certain cumbersome methods for approval of municipal loans. The result is that the balanced-budget constraint for the city manager becomes crucial in the American context. While the balanced-budget constraint is undoubtedly important in the Scandinavian context, procedures for obtaining additional revenue—in the event of excessive budgetary requests—are generally less cumbersome. In Oslo, tax increases (within certain bounds set by the national government), as well as rate increases for municipal services, are approved by a simple majority vote in the Council; and loans on the domestic and international market provide an additional option for the Chief Municipal Administrator faced with increasing demands on the local treasury. The result is that the balanced-budget constraint may be less central than would be the case for many American cities. Yet, we do not wish to minimize its continued importance here, and we refer to it informally throughout the paper.

[10] For those familiar with the Scandinavian languages, the following English-*Norwegian* translations may be helpful: agency chief—*etatsjef;* department head—*rådmann;* Chief Municipal Administrator—*Finansrådmann;* City Council—*Bystyret.* A suitable translation for *finansrådmann* proved to be particularly difficult. Some may prefer the translation, Head of the Finance Department or Budget Director. While these terms are closer to a literal translation, they are misleading in terms of the functions actually performed. The scope of the *Finansrådmann's* activities is quite

Council consideration of the government-proposed budget is shaped by prior discussion among the party groups themselves—discussions which provide, among other things, opportunities for the previously mentioned political committees to intervene again on behalf of the agencies. Formal handling of budget proposals begins with the Council finance committee in which all political parties are represented. Only marginal changes typically take place during the final budget deliberation by the Council, one possible explanation being that the Council employs no professionally trained staff. Although Council alterations are typically small, the kind of alteration accepted is likely to be influenced by the partisan composition of the Council itself. While the largest party in the pre-1955 broad coalition was the Labor Party, which provided the mayor during this period, the year 1955 began a period of uninterrupted rule by a coalition of the Conservative, Liberal, and Christian Peoples Parties, with the mayor being a member of the Conservative Party. After the election of 1963, the Labor Party, together with the Socialist Peoples Party and the Communist Party, gained a majority and has held it since.

Theoretical Decision Models

Multiple cues are parts of the decision history of both individuals and organizations. Few decisions can be adequately accounted for by conceiving of a decision as a function of one event, of one condition, of one piece of information, or whatever. Complexities may abound in what seems to be the simplest of decisional settings. Yet, the modeling of such real-world events becomes manifestly inefficient as the analyst attempts to envelop the totality. A department head may happen to become ill during the crucial time of legislative budgetary review, but the explicit inclusion in a model of such a stochastic factor would merely improve prediction, not explanation. Such stochastic factors aside, however, any number of alternative conditions, decisions, and expectations may guide a given decision. The models which we develop in this section contain only such elements as are generated by the internal bureaucratic mechanisms of the administrative /legislative budgetary apparatus itself.

A budgetary decision on how much to request, how much to recommend, or how much to appropriate for a given agency depends on a set of internal cues which may be arrayed along a temporal dimension. The simplest type of decisional style is characterized by a restricted reaction to the conditions or events of the current budgetary period. For example, the Chief Municipal Administrator may follow a rather simple decision rule by granting a fixed mean percentage of the department head's recommendation for a given agency. Such behavior is quite simple from the standpoint of both the number of elements considered and their temporal accessibility. There is only quantity on which the decision is based; and that quantity is immediately available since it was generated during the current budgetary period at the step immediately prior to the one in question. As a result, no search is required for information concerning the decision history of the agency, nor is it necessary to calculate future consequences of the decision. This simplest notion of process incrementalism is represented by the decision rules displayed in Table 1a.[11] The decision taken at a given stage during the budgetary proceedings is a function of the decision taken at the stage immediately before. Neither past relationships between the agency and its reviewing agents nor future expectations enter the calculus.

It is, of course, likely that the history of the system is quite relevant. We should make a distinction, however, based upon the temporal distance of such events. Any decision rule which postulates a reaction to an event occurring in the present year's budgetary period does not, of course, probe far into the history of the system. We interpret those decision rules as reactions primarily to the present, with some attention given to the short-term history of the decision. The decision rules set out in Table 1b suggest that the way in which an earlier decision becomes relevant for some later decision in the four-stage process lies in attempted compensative behavior. That is to say, funds which were denied the agency at some earlier stage may be returned at a later stage. Such calculations are not relevant for the agency and department head decisions, since those decisions are the first and second elements of the short-term history itself. This kind of behavior does become a possibility at the third and fourth stages of the yearly process.

The first equation in Table 1b formalizes this notion for the behavior of the Chief Municipal Administrator. During the current budgetary pe-

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close to that for the American city manager. In any event, the scope of those activities is definitely broader than would be suggested by either of the alternative terms above. In addition, our translation is the official English translation used by the *Finansrådmann's* Office.

[11] In each case we assume the initial basis of calculation to be consistent with the notion of process incrementalism—i.e., based initially upon the decision taken immediately prior in the process. This notion of an initial basis of calculation implies that there is one figure which serves as the fundamental basis of judgment. Subsequent alterations in that initial judgment appear as additional variables in the models and contribute to the final judgment for the decision in question.

Table 1a. Simple Process-incremental Behavior

Level	Equation	Hypotheses
Agency:	$w_t = \alpha_1 z_{t-1} + \epsilon_t$	$\alpha_1 > 1.00$
Department Head:	$x_t = \beta_1 w_t + \epsilon_t$	$0 < \beta_1 < 1.00$
Chief Municipal Administrator:	$y_t = \gamma_1 x_t + \epsilon_t$	$0 < \gamma_1 < 1.00$
Council:	$z_t = \delta_1 y_t + \epsilon_t$	$\delta_1 \geqq 1.00$

Key: (Applicable to Tables 1a–1d)
for year *t*,
w_t = agency request
x_t = departmental recommendation
y_t = Chief Municipal Administrator's recommendation
z_t = council appropriation

riod, the agency will have submitted its request to the department head who will, more than likely, deny the agency a portion of its request. The Chief Municipal Administrator then makes an initial judgment on the basis of the department head's recommendation for the agency. If he feels that the magnitude of the department head's cut of the agency request was excessive, he may alter his own initial judgment by returning a portion of the cut to the agency budget. Since the quantity $(X-W)_t$ is expected to be negative, we anticipate a negative coefficient (γ_3); the resulting multiplication will yield a positive increment to the initial judgment. In addition, we do not expect the entire cut to be returned; thus $\gamma_3 > -1.00$ is anticipated.

As an agency's budget moves through each of the stages in the process for a given year, an increasing number of cuts for which compensation may be made is left in the wake. While only one cut had been made at the time of the decision taken by the Chief Municipal Administrator, the Council decisional setting provides opportunities for compensation of funds denied at two levels. Consider the equations in Table 1b which attempt to model the compensative behavior of the Council. The first equation suggests that the initial judgment made by the Council is based upon the recommendation of the Chief Municipal Administrator. The Council alters that initial judgment, however, by returning to the agency a fixed mean percentage of the difference between the agency's request and the recommendation by the Chief Municipal Administrator. The suggestion here is that the Council views the extent of agency cuts during the budgetary period as excessive, and attempts in part to compensate for those cuts. The second equation narrows the quantity for which the Council is willing to make compensation by focusing upon the difference between the recommendation by the Chief Municipal Administrator and that of the department head. The suggestion is that the Council is willing to make some compensation for cuts made by the Chief Municipal Administrator but that it is not willing to tamper with decisions taken by the department head.

It is useful here to note two kinds of conditions which may give rise to the choice of this decision rule. First, it is well known that the task of the Chief Municipal Administrator is to produce a unified budget within the bounds of specified fiscal constraints. If requests exceed available revenues, items from several departmental budgets are likely to be deleted. The department head, however, need not be bound by such constraints in an immediate sense. On the contrary, in preparing his recommendations, he may justify his own additions and deletions by reference to his own expertise in his sector. If the Council respects such expertise, it may hesitate to alter those decisions, but it may be more willing to compensate the agency for cuts introduced by the Chief Municipal Administrator whose justification for such deletions may be less policy oriented.

A second condition which may lead to the choice of this decision rule involves the institutional setting itself. We have referred earlier to the practice of establishing political committees which represent the interests of each sector in the budgetary proceedings. On occasion, when an agency within the sector has been dealt a particularly hard blow by the Chief Municipal Administrator, the political committee itself may appeal to the Council in an effort to get a portion of the funds restored. When such efforts are successful, the Council will return a portion of the difference between the recommendation by the Chief Municipal Administrator and that of the department

Table 1b. Process-incremental Behavior plus Compensation for Current Year's Cuts Made Earlier in the Process

Level	Equation	Hypotheses
Agency:	———	———
Department Head:	———	———
Chief Municipal Administrator:	$y_t = \gamma_2 x_t + \gamma_3 (x-w)_t + \epsilon_t$	$0 < \gamma_2 \leqq 1.00,\ -1.00 < \gamma_3 < 0$
Council:	$z_t = \delta_2 y_t + \delta_3 (y-w)_t + \epsilon_t$	$\delta_2 \geqq 1.00,\ -1.00 < \delta_3 < 0$
	$z_t = \delta_4 y_t + \delta_5 (y-x)_t + \epsilon_t$	$\delta_4 \geqq 1.00,\ -1.00 < \delta_5 < 0$
	$z_t = \delta_6 y_t + \delta_7 (y_t - z_{t-1}) + \epsilon_t$	$\delta_6 \geqq 1.00, \delta_7 < 0$

head. Thus, for the first Council equation in Table 1b, the Council returns a percentage of the entire quantity representing the total cuts introduced during the period; for the second equation, the Council compensates in part only for cuts made on the department head's decision. In either case we anticipate negative coefficients, δ_3 and δ_5, which, upon multiplication with the respective negative quantities, $(y-w)_t$ and $(y-x)_t$, will yield positive returns to the agency budget. Also, since the Council is unlikely to make complete compensation for earlier cuts, $\delta_3 > -1.00$ and $\delta_5 > -1.00$ are expected. The final Council decision equation hypothesizes that the Council exercises its own judgment with respect to proposed agency growth. If the government-proposed budget contains an excessive increase over last year's appropriation, we anticipate a cut by the Council. A proposed decrease $(y_t < z_{t-1})$, on the other hand, leads the Council to return a portion of the funds. In either case, such decrements or increments are suggestive of Council efforts to impose a constant growth rate for the agency—consistent with a negative estimate for the parameter δ_7.

Thus far we have considered only the short-term history of events. Budgetary decision makers, however, may probe farther into the history of their own units in search of solutions. In such cases, a series of events which took place during the budgetary proceedings of the previous year may have profound effects on decisions in the current year. Indeed, while the Chief Municipal Administrator may react primarily on the basis of the department head's recommendation for the agency in the current year, he may alter the initial judgment by taking into account the special events and circumstances existing in the previous year. The kinds of behavior which we wish to model in this third set of equations may be termed compensative and learning behavior.

We have entertained the possibility that such behavior may be observed in at least three different kinds of decision processes. First, the decision maker may react initially to the request from the next lower level but may alter that judgment according to whatever actually happened to the agency's request in the previous year. The first equation at each of the first three levels in Table 1c models this kind of behavior. Each decision level reacts initially in a manner consistent with the notion of process-incremental behavior but alters that judgment somewhat in an effort to compensate for excessive cuts received by the agency in the previous year. With respect to the second term, $(z-w)_{t-1}$, we anticipate that the coefficients $(\alpha_3, \beta_3, \gamma_5)$ will not exceed unity. If any one of these coefficients is negative, we have a clear case of compensative behavior in which a positive increment is added to this year's decision in order to compensate for excessive cuts in the preceding year. If the coefficient is positive but less than unity, the attempt is to cut the agency again in the current year but by a smaller amount, given its excessive cut in the previous year. The implication is that the decision maker is learning from, rather than compensating for, last year's experience. In particular, we may obtain such an estimate when the agency, aware of its declining importance, learns from experience in the previous year that substantial cuts will be made but attempts to minimize the effect of such cuts. For each decision rule, when two different hypotheses are indicated with regard to sign and magnitude of parameters, the first hypothesis is consistent with the notion of compensative behavior and the second with that of learning behavior.

Rather than attempting to compensate for whatever actually happened to the agency request in the previous year, the decision maker may regard his own behavior with respect to the agency as the focus of compensation. In a sense, he may wish to "set his own house in order," regardless of the behavior of decision makers at other levels. This behavior is particularly relevant for the department head and the Chief Municipal Administrator, each of whom may have denied the agency a substantial portion of its request in the previous year. The second equations listed under the department head and the Chief Municipal Administrator suggest this kind of behavior. Each reacts initially to requests from the next lower level but attempts to compensate for his own excessive cuts in the previous year whenever appropriate. As for the prior set of equations, a negative coefficient associated with either the quantity $(x-w)_{t-1}$ for the department head or the quantity $(y-w)_{t-1}$ for the Chief Municipal Administrator indicates a positive increment to the current year's decision. Positive coefficients less than unity suggest that cuts continue to be introduced but that an effort is made to lessen the magnitude of those cuts, given excessive cuts in the previous year.

The final equations for each decision maker in Table 1c are designed to model a third type of essentially compensative or learning behavior. They depart from the earlier equations in this section in one important respect. In the earlier two types of equations, we postulated that the decision maker compensates for the cut itself—either his own or the total. In this final set of equations, however, we postulate that the compensation is made only for the quantity representing a departure from the usual relationship in the previous year. We assume that the usual relationship between the two proximate decision-making levels is represented by process-incremental behavior. Extraneous circumstances, represented by the residual terms, may cause a departure from that

Table 1c. Process-incremental Behavior plus Moderation of Effects of Decisions Taken in Earlier Years

Level	Equation	Hypotheses
Agency:	$w_t = \alpha_2 z_{t-1} + \alpha_3(z - w)_{t-1} + \epsilon_t$	$\alpha_2 > 1.00, \alpha_3 < 0$ $0 < \alpha_3 < 1.00$
	$w_t = \alpha_4 z_{t-1} + \alpha_5 \Lambda_{t-1} + \epsilon_t$ where $\Lambda_{t-1} = w_{t-1} - \alpha z_{t-2}$	$\alpha_4 > 1.00, \alpha_5 < 0$ $0 < \alpha_5 < 1.00$
Department Head:	$x_t = \beta_2 w_t + \beta_3(z - w)_{t-1} + \epsilon_t$	$0 < \beta_2 < 1.00, \beta_3 < 0$ $0 < \beta_3 < 1.00$
	$x_t = \beta_4 w_t + \beta_5(x - w)_{t-1} + \epsilon_t$	$0 < \beta_4 < 1.00, \beta_5 < 0$ $0 < \beta_5 < 1.00$
	$x_t = \beta_6 w_t + \beta_7 \Lambda_{t-1} + \epsilon_t$ where $\Lambda_{t-1} = x_{t-1} - \beta w_{t-1}$	$0 < \beta_6 < 1.00, \beta_7 < 0$ $0 < \beta_7 < 1.00$
Chief Municipal Administrator:	$y_t = \gamma_4 x_t + \gamma_5(z - w)_{t-1} + \epsilon_t$	$0 < \gamma_4 < 1.00, \gamma_5 < 0$ $0 < \gamma_5 < 1.00$
	$y_t = \gamma_6 x_t + \gamma_7(y - w)_{t-1} + \epsilon_t$	$0 < \gamma_6 < 1.00, \gamma_7 < 0$ $0 < \gamma_7 < 1.00$
	$y_t = \gamma_8 x_t + \gamma_9 \Lambda_{t-1} + \epsilon_t$ where $\Lambda_{t-1} = y_{t-1} - \gamma x_{t-1}$	$0 < \gamma_8 < 1.00, \gamma_9 < 0$ $0 < \gamma_9 < 1.00$
Council:	$z_t = \delta_8 y_t + \delta_9 \Lambda_{t-1} + \epsilon_t$ where $\Lambda_{t-1} = z_{t-1} - \delta y_{t-1}$	$\delta_8 \geqq 1.00, \delta_9 < 0$ $0 < \delta_9 < 1.00$

usual relationship in a given year—a departure which may be compensated for in the following year.

The previous equations represent successively greater probing efforts into the relevant history of the decision in question, with regard to both the short-term history during the current budgetary proceedings and the long-term history of relevant events in the earlier year's proceedings. Decision makers, however, attempt not only to cope with the past but also to anticipate future consequences of their actions. In the absence of more precise information, past experience often serves as the most reliable guide for shaping expectations about future behavior. This is particularly true for the agency head, whose requests must bear the scrutiny of three different reviewers. The task is somewhat simpler for the department head who must form judgments on anticipated behavior with regard to the Chief Municipal Administrator and the Council. The task of anticipating future behavior is simplest for the Chief Municipal Administrator, who need only guess the behavior of one reviewer—the Council. Of course, this behavioral pattern is not relevant for the Council since Council members have the final say.

We should take some care in distinguishing this fourth set of decision rules, in which past experience serves as a guide to future behavior, from the earlier set, in which past experience is a behavior to be compensated for in the present. This fourth set of equations models more genuinely gaming situations. In the first agency decision rule in Table 1d, for example, the agency requests a fixed mean percentage of its appropriation from the previous year, but that initial judgment is altered since the agency expects a sizeable cut from the department head. Such a cue arises from the fact that the department head did, indeed, cut the agency request in the preceding year. We may raise the question, however, as to why the quantity $(z-w)_{t-1}$ in the first agency equation of Table 1c is used as a cue to compensative behavior for the past, while the quantity $(x-w)_{t-1}$ is interpreted as a cue for anticipatory behavior for the future. The answer depends, in part, on some hindsight from which we have benefited through an initial examination of these data. It is almost always true that the Council appropriations for these agencies exceed the amount requested by the Chief Municipal Administrator in the government's budget. If we examine successive differences in each level for a given agency in year t, the prevailing pattern with respect to agency requests is the following: substantial cuts by the department head, moderate cuts of the departmental recommendation by the Chief Municipal Administrator, and small additions to the government-proposed budget by the Council.

Given this pattern, use of the quantity $(z-w)_{t-1}$ as a guide to future behavior is not recommended for the simple reason that its interpretation is confused by the inclusion of both additions and deletions to the agency request. An agency may wish to compensate for whatever actually happened to its request in the previous year regardless of which level introduced subsequent additions or deletions. In attempting to anticipate future consequences, however, the level and the magnitude at each level become relevant. The use of the quantity $(z-w)_{t-1}$ is not appropriate; rather it is necessary to distinguish between the levels at which deletions may be expected and those at which additions may be expected.

We have formulated the equations in Table 1d from what we know about the prevailing pattern of cuts and increases at each of the levels. The first agency equation is drawn from the perspective that, in almost every case, the most substantial cuts occur during the departmental review. Thus, agency thinking may be dominated by the problem of guessing future behavior at that level. Comparable behavior is suggested for the department head who must anticipate sizeable cuts only by the Chief Municipal Administrator. The lone equation for the Chief Municipal Administrator in Table 1d indicates that there is but one level—the Council—at which future behavior must be anticipated. For each of these equations at the three levels, the sign of the coefficients for the second term is indicative of the type of behavioral pattern. For the agency and departmental equations, negative coefficients (α_7 and β_9) yield positive increments to initial decisions—reflecting efforts to compensate in advance for cuts expected in the future. For the Chief Municipal Administrator equation, a negative value for the coefficient, γ_{11}, would indicate a net decrement to the initial decision—reflecting an effort to compensate in advance for funds likely to be returned to the agency by the Council. Nonetheless, negative values for the coefficients, α_7, β_9 and γ_{11}, suggest anticipatory behavior. Positive coefficients less than unity indicate that the decisional unit has learned that alterations will be made, but it attempts to smooth out the effects of such anticipated changes.

The second agency and departmental equations in Table 1d are designed to model more complex gaming behavior. As we have suggested earlier, the task of anticipating future behavior during a given budgetary period is most difficult for the agency and for the department head who must guess future budgetary decisions at three and two levels respectively. The peculiar perspective which is brought to that decisional setting by one of those levels—the Council—focuses upon the return of funds previously deleted rather than upon continued cuts. For the second agency equation in Table 1d, we postulate that the agency chief requests a fixed mean percentage of his appropriations in the previous year; however, he will attempt to compensate for the expected total cut after review by the department head and by the Chief Municipal Administrator. The magnitude of that compensation is dependent upon whether the Council can be expected to return a portion of those deleted funds. Thus, we may conceive of the coefficient to be attached to the quantity $(y-w)_{t-1}$, as possessing any one of three different values which are themselves monotonically related. First, the variable Ω_{t-1} is simply a dummy variable for which a positive value indicates that the Council returned funds to the agency over the recommendation of the Chief Municipal Administrator. If the agency expects such restorative behavior by the Council, the required compensation will be less for expected cuts. Alternatively, if the agency anticipates further cuts by the Council, the required compensation will be even greater. Finally, if the agency expects the Council to accept the recommendation of the Chief Municipal Administrator ($\Omega_{t-1}=0$), then it need only compensate for anticipated cuts up through the review by the Chief Municipal Administrator. By representing expected Council behavior as a dummy variable, we achieve a more natural behavioral interpretation of parameter estimates for the decision rule. For example, the coefficient (α_9 $+\alpha_{10}\Omega_{t-1}$), may possess three alternative values which vary in a manner consistent with the notion that compensative behavior is less important when the Council restores depleted funds than when it continues to cut them. Note that the type of

Table 1d. Process-incremental Behavior plus Anticipation of Future Behavior

Level	Equation	Hypotheses
Agency:	$w_t = \alpha_6 z_{t-1} + \alpha_7(x-w)_{t-1} + \epsilon_t$	$\alpha_6 > 1.00, \alpha_7 < 0$ $0 < \alpha_7 < 1.00$
	$w_t = \alpha_8 z_{t-1} + \{\alpha_9 + \alpha_{10}\Omega_{t-1}\}(y-w)_{t-1} + \epsilon_t$ where $\Omega_{t-1} = +1 \text{ if } (z-y)_{t-1} > 0,$ $= 0 \text{ if } (z-y)_{t-1} = 0,$ $= -1 \text{ if } (z-y)_{t-1} < 0.$	$\alpha_8 > 1.00, \alpha_9 < 0, \alpha_{10} > 0$ $\alpha_9 > 0, \alpha_{10} < 0$
Department Head:	$x_t = \beta_8 w_t + \beta_9(y-x)_{t-1} + \epsilon_t$	$0 < \beta_8 < 1.00, \beta_9 < 0$ $0 < \beta_9 < 1.00$
	$x_t = \beta_{10} w_t + \{\beta_{11} + \beta_{12}\Omega_{t-1}\}(y-x)_{t-1} + \epsilon_t$ with Ω_{t-1} as defined above.	$0 < \beta_{10} < 1.00, \beta_{11} < 0, \beta_{12} > 0$ $\beta_{11} > 0, \beta_{12} < 0$
Chief Municipal Administrator:	$y_t = \gamma_{10} x_t + \gamma_{11}(z-y)_{t-1} + \epsilon_t$	$0 < \gamma_{10} < 1.00, \gamma_{11} < 0$ $0 < \gamma_{11} < 1.00$
Council:	——	——

learning behavior suggested above may be relevant here if the pattern of the coefficient signs is the reverse. Note also that the comparable complex gaming behavior is suggested for the department head.[12]

Model Selection Criteria and Measurement

The different decision rules we have specified in the previous section are based on the assumption that the relationships between the dependent and independent variables at all levels in the budgetary process can be described by simple linear equations. The parameters of the equations have been estimated by ordinary least-squares regression methods. The tests used to evaluate the models are based on the assumption that the dependent variable in each equation is a stochastic variable with a normal distribution. Strictly speaking our sample of observations is not a random sample. With such a sample, one might suggest discarding tests of significance and making use of prior information about budgeting in order to decide what is or is not a significant relationship. Unfortunately, the subtleties of the strategies we wish to model as well as the sheer number of postulated equations precluded such an approach. Thus, we rely on tests of significance for lack of a better alternative—a procedure for which we find ample justification suggested by its frequency in the econometric literature.[13]

Tables 1a–d in the previous section contain several possible decision equations for each level in the budgetary process. The confrontation of these theoretical equations with a series of observations over time posed some rather complex questions with regard to the choice of one best-fitting equation for each agency at each level. First we examined the set of complex equations, selecting from those equations the subset for which the coefficients for complex behavior were significant at the five per cent level. Those complex equations with nonsignificant coefficients were eliminated from further consideration. The simple equation was chosen when none of the coefficients for complex behavior met this level of significance for the t test. These tests were based upon estimated parameters for which the regression plane is constrained to pass through the origin. For the remaining set of equations, we examined the behavior of the constant term itself. A convincing application of these models depends upon such a test since the natural percentage interpretation of the parameter estimates follows only from a zero (within sampling error) value for the constant term. An estimate of the constant term which is significantly different from zero suggests that something is awry with the model in question. Those equations were deleted from further consideration.

One of the main difficulties in analyses involving time series data is the problem of serial correlation in the error terms for a given equation. Therefore, as a third criterion the Durbin-Watson test (at the 5 per cent significance level) for serial correlation in the estimated residual values was used when appropriate.[14] Thus we further eliminated from the set under consideration those equations for which we found significant serial correlation. For the remaining equations, a fourth and final criterion was applied—the maximum sample correlation coefficient between predicted and actual values of the dependent variable.[15]

Consonant with the symbolic representation in Tables 1a–d, we define the following empirical quantities (each expressed in thousands of Norwegian kroner):

w_t: the appropriation requested by the *agency* in year t
x_t: the appropriation recommended for the agency by the *department head* in year t
y_t: the appropriation proposed for the agency in the government budget by the *Chief Municipal Administrator* in year t
z_t: the appropriation passed for the agency by the *Council* in year t

Time-series data on each of these four items were collected for each agency over the nineteen-year period from 1953 through 1971.[16] Although data are available prior to 1953, we have excluded that time period because of the confounding effects of post-war economic restrictions which existed in some form until 1952.

Empirical Results

We have conceptualized a series of budgetary events as a process. It is useful, therefore, to illus-

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[12] The equation is presented in Table 1d in a form for which the interpretation is more straightforward, given the kind of behavior it attempts to model. The actual estimation equation is of the form:

$$w_t = \alpha_8 z_{t-1} + \alpha_9 (y - w)_{t-1} + \alpha_{10} \{\Omega(y - w)\}_{t-1} + \epsilon_t.$$

[13] For treatments of estimation methods in regression models, see: John Johnston, *Econometric Methods* (New York: McGraw-Hill, 1963); Carl F. Christ, *Econometric Models and Methods* (New York: Wiley and Sons, 1966).

[14] J. Durbin and G. S. Watson, "Testing for Serial Correlation in Least-squares Regression," part I, *Biometrika*, 37 (December, 1950), 409–428; part II, *Biometrika*, 38 (June, 1951), 159–178.

[15] Similar criteria were used in the Davis, Dempster, and Wildavsky work cited above except that the use of tests of significance for the constant term was not indicated in the published report.

[16] These data were taken from the following budget documents published by the Oslo municipal government: *Sak 1A: Finansrådmannens Forslag til Driftsbudsjett* and *Dokument nr. 3: Oslo Bykasses Driftsbudsjett*, editions for 1953 through 1971.

trate how each decisional element may be fitted together as a means of describing the decision history of a given unit, before moving on to the more general question of applicability across these forty-seven agencies. A brief consideration of one such set is illustrative of how such an analysis may proceed. Consider the equations describing the decision history of the Education Department's Administrative Body:[17]

Agency: $w_t = 1.2763\,(z)_{t-1} + \epsilon_t$

Department: $x_t = .9136\,(w)_t - .4121\,(y-x)_{t-1} + \epsilon_t$

Chief Municipal Administrator: $y_t = .9482\,(x)_t + \epsilon_t$

Council: $z_t = .9932\,(y_t) - .2883\,(y-x)_t + \epsilon_t$

First it is clear that the agency is rather acquisitive in formulating its yearly requests; on the average, it has sought a yearly increase of about 28 per cent. The initial judgment by the department head is that the agency actually should receive, on the average, about 91 per cent of its request. Generally, however, the department head recommends a bit more for the agency than is indicated by this initial judgment in an effort to anticipate future behavior on the part of the Chief Municipal Administrator. Since the department head expects a substantial cut (with the behavior of the Chief Municipal Administrator in the previous year serving as a cue), he augments his initial judgment. Note that the multiplication of the negative coefficient ($\beta_9 = -.4121$) by the negative quantity $(y-x)_{t-1}$ yields such a positive increment. Such a strategy by the department head is wisely chosen in light of the actual behavior of the Chief Municipal Administrator, who grants, on the average, about 95 per cent of the recommendation—a rather low percentage in comparison to the percentages granted to remaining agencies. Finally, the Council leaves the government-proposed budget almost intact in this case—granting about 100 per cent of the recommendation by the Chief Municipal Administrator. The Council, however, compensates the agency for the excessive cuts—returning on the average about a quarter of the funds deleted by the Chief Municipal Administrator. Note that the Council apparently accepts the cuts made by the department head, reflecting perhaps an acceptance of the department head's expertise in his own policy sector. Yet, the Council is quite willing to make substantial allowance for cuts imposed by the Chief Municipal Administrator, who probably cannot marshal so credible a case for reducing the agency budget.

(1) Within the bounds of a small random error, budgetary data for these forty-seven agencies of the Oslo municipal government are consistent with the hypothesis that agency chiefs, department heads, the Chief Municipal Administrator, and the Council arrive at budgetary decisions through the utilization of one of a set of linear decision rules. The parameters of each of the decision equations in Tables 1a–d were estimated for each agency, and the criteria indicated in the previous section as well as the hypotheses concerning the signs and magnitudes of the coefficients were utilized to arrive at a best-fitting decision rule for each agency at each level in the process. The array of squared multiple correlation coefficients in Table 2 supports the hypothesis that budgetary decisions at each of the four levels for these forty-seven agencies of the Oslo municipal government are linear and stable over time. An exceedingly large proportion of the total variance is explained in each case. An outstanding property of Table 2, however, is the distinctive aspect of behavior at the agency level in comparison to the remaining three levels. The multiple correlations for the agency equations are typically lower than those for the remaining three levels. A variety of factors may explain the distinctiveness of agency behavior in this regard—the influence of external demands arising from each agency's environment, cues from higher level reviewing agents which weaken the link between last year's appropriation and this year's request, or any of several political considerations not specified in these models.

(2) The internal bureaucratic aspects of budgetary behavior become more complex as one moves up the levels of the administrative hierarchy. The finding is not an obvious one, and our prior knowledge of budgetary processes suggested two conflicting patterns. In this analysis the lowest unit in the administrative hierarchy is the agency itself. This means that the agency's task is most difficult from the standpoint of arriving at a request figure which can bear up under the scrutiny of three successive reviewers. Departmental behavior need be somewhat less complex and the behavior of the Chief Municipal Administrator is likely to be simplest from this standpoint. An alternative perspective is suggested by focusing upon the task itself rather than upon the strategy. An agency chief need only formulate a budget request for his own unit, while the department head must coordinate requests from several agencies. Finally, the task for the Chief Municipal Administrator becomes very complex as he works over all departmental requests for individual agencies in each department in an effort to produce the final government-proposed budget. We find support in these data for the second perspective.

The percentage calculations in Table 3 are based

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[17] A list, by agency, of all estimated equations actually selected may be obtained from the authors upon request.

Table 2. Distribution of Squared Multiple Correlation Coefficients for Best-fitting Decision Equations by Level in the Budgetary Process

Level	Squared Multiple Correlation Coefficient							
	1.000—.990	.990—.980	.980—.970	.970—.960	.960—.950	.950—.940	.940—.800	.800—less than .800
Agency	3	6	5	3	5	4	11	10
Department Head	40	3	1	0	0	0	2	1
Chief Municipal Adm.	36	3	2	2	1	0	2	1
Council	41	4	0	0	1	0	1	0

upon the choice of one best-fitting decision rule for each agency and are classified according to the time-dimension distinctions suggested in Tables 1a–d. Entries in the first column of the table indicate the percentage of the total decisions (47) at the given level which can be best described as simple process-incremental behavior. Remaining entries partition complex behavior with regard to the time dimension which provides the reference point for the complex decision in question. If the three administrative levels are distinguished from the legislative level, it is clear from the table that budgetary behavior becomes more complex as the administrative level increases.

These estimates provide us with an opportunity to examine, in gross terms, the policy consequences of strategic behavior. By policy consequences from a budgetary standpoint, we are not referring to specific programs, but rather to the growth in expenditures for a given agency's set of activities. Thus, expenditures for the activities of some agencies may grow at a faster rate than others, by virtue of the type of strategy chosen and in contrast to steering attempts by the government. At least two properties of the above estimated linear equations are amenable to this kind of formulation—the complexity and the acquisitiveness of agency-reviewer strategies. By complexity, we mean the number of elements in the estimated decision structure; and we form a dichotomous variable, with observations by agency, which indicates whether the strategy has been one of simple process incrementalism or of a more complex form. One of the consequences of more conscious gaming behavior on the part of the agency ought to be payoffs in the form of higher growth rates for the agency's activities. We define this average growth rate over the nineteen-year period by the following:

$$z_{1i} \cdot (1 \cdot p_i)^{18} = z_{19}$$

where p_i is the mean growth rate for agency i.

(3) The complexity of the agency-reviewer strategies is not related to the agency's average growth rate over time. Table 4 shows the simple relationships between the complexity of strategies at each level in the budgetary process and agency growth, as well as the relationships between strategy complexity at each level. While these estimates may be somewhat attenuated because of the dichotomous nature of the complexity variables, the results are reasonably clear on one point: A more complex gaming strategy does not increase the probability for long-term budget success; a simple incremental strategy is equally beneficial. Nor are complex strategies at one level more likely to be met by complex strategies at subsequent levels, the exception being the strategic links between the Chief Municipal Administrator and the Council. It is significant that several of these complex equations for the Chief Municipal

Table 3. Type of Best-fitting Equation by Level in the Budgetary Process

Level	Simple	Complex			
	Process Incrementalism	Process Incrementalism plus Short-term Past	Process Incrementalism plus Long-term Past	Process Incrementalism plus Anticipating Future Behavior	Total (*N*)
Agency:	72%	+	17%	11%	100% (47)
Department Head:	64	+	23	13	100 (47)
Chief Municipal Adm.:	53	13	26	9	101 (47)
Council:	57	40	2	+	99 (47)

+ Inapplicable.

Table 4. Relationships Between Strategy Complexity and Long-term Growth by Level in the Budgetary Process[a]

	Complexity			
	Agency	Department Head	Chief Municipal Adm.	City Council
Average Growth Rate	−.012	−.115	−.230	−.128
Complexity: Agency		.030	.087	−.051
Department Head			.181	.248*
Chief Municipal Adm.				.400*
City Council				

[a] Pearson product-moment correlation coefficients; $N=47$.
* Significant at .05 level.

Administrator suggest anticipating future additions, by the Council, to his recommendation; and, in all of these save one, the Council strategy, indeed, indicated the restoration of funds, with the magnitude of deletions by the Chief Municipal Administrator serving as a guide.

(4) The more acquisitive the agency strategy, the higher the actual growth rate. Intermediate reviewing levels are partially successful in identifying particularly acquisitive agencies and reducing their intended growth rates. Earlier work on budgetary processes in the United States has stressed the point that a set of mutual expectations develop among participants over time. Some agencies expect that substantial cuts will be made in their requests and pad those requests accordingly. Others, with a rather noble image among reviewing agents, may pad only slightly with the expectation of few or no cuts. Reviewing agents presumably develop comparable views of those agencies—slashing severely those suspected of excessive attempts at expansion, and altering others only slightly. If a budgetary system is functioning in the manner suggested by this theoretical perspective, there ought to be no relationship between the acquisitiveness of the agency's strategy and its actual growth rate—since those agencies which are relatively acquisitive or expansive from year to year will be those which come to receive the severest cuts by reviewing agents. Such a system will reach an equilibrium point in which agencies pursuing highly acquisitive strategies will not, on the average, experience higher actual growth rates than do agencies pursuing less acquisitive strategies.

We have an opportunity to test such a proposition for these forty-seven agencies in the Oslo municipal government. The required quantities are immediately available from the parameter estimates for the simple equations in Table 1a. These parameter estimates for each agency serve as observations which summarize several properties of agency-reviewer relationships over the nineteen-year period:

α_{1i} = average per cent increase in expenditures *requested* by agency i over the nineteen-year period or, agency acquisitiveness.

β_{1i} = average per cent of agency i's request *recommended* by the department head over the nineteen-year period.

γ_{1i} = average per cent of department head's recommendation for agency i *recommended* by the Chief Municipal Administrator over the nineteen-year period.

δ_{1i} = average per cent of Chief Municipal Administrator's recommendation for agency i *appropriated* by the council over the nineteen-year period.

Our expectations may be formalized:

$$r_{\alpha\beta} < 0 \quad \text{and/or} \quad r_{\alpha\gamma} < 0$$

$$r_{p\alpha} \simeq 0$$

$$r_{p\alpha\cdot\beta} > 0$$

$$r_{p\alpha\cdot\beta\gamma} > r_{p\alpha\cdot\beta} > 0$$

Simple relationships between mean growth rate, agency acquisitiveness, and subsequent action by appropriate reviewing agents are presented in Table 5a. It is clear from those entries that the expansive character of the agency strategy is an important determinant of agency growth. The more acquisitive the agency, the higher its actual growth rate over the nineteen-year period. Support at each of the three levels of budgetary review is only slightly related to actual agency growth—perhaps in contrast to Sharkansky's findings for the American states for which support by the state governor appears crucial.[18] It is significant to note, however, that highly acquisitive agencies do receive their severest treatment

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[18] Sharkansky, "Agency Requests," pp. 1230–1231.

Table 5a. Relationships Between Agency Acquisitiveness, Average Growth Rate, and Actions by Intermediate Budgetary Reviewers[a]

		α_1	β_1	γ_1	δ_1
Average Growth Rate	p	.411*	.225	.249*	−.237
Agency Acquisitiveness	α_1		−.259*	−.371*	.164
Department Head	β_1			.388*	−.447*
Chief Municipal Adm.	γ_1				−.472*
City Council	δ_1				

[a] Pearson product-moment correlation coefficients; $N=47$.
* Significant at .05 level.

from the Chief Municipal Administrator ($r_{\alpha\gamma} = -0.371$) who, because of the constitutional requirements of producing a balanced budget, appears to be led rather naturally to the most expansive agencies.

The pattern of coefficients relating Council action to the remaining variables is an interesting one, for it is suggestive of the subtleties of political influence on a process which often appears to be markedly deterministic. Those agencies which over the nineteen-year period have received the most unfavorable treatment by the department head and the Chief Municipal Administrator have been the principal beneficiaries of Council action at the final stage of review ($r_{\delta\beta} = -0.447$ and $r_{\gamma\beta} = -0.472$). Yet the relationship between agency acquisitiveness and Council action is weak indeed ($r_{\alpha\delta} = +0.164$). This pattern of coefficients suggests that the focus of Council restorative action is on expansive agencies which have been treated severely by their intermediate budgetary reviewers—a role not unlike that often attributed to the U.S. Senate in budgetary considerations.[19]

The entries in Table 5b are more directly applicable to the hypothesis that actions by intermediate reviewing agents serve to reduce the relationship between the acquisitiveness of the agency strategy and actual growth rates. The problem lends itself rather naturally to formulation in the interpretative language of higher-order partial correlation coefficients. We first examine the simple correlation between agency acquisitiveness and long-term growth. The hypothesis is that the action of intermediate reviewing levels serves to weaken that relationship; in other words, the relationship between agency acquisitiveness and long-term growth would be much stronger were it not for the patterned practice of the department head and the Chief Municipal Administrator to distribute their cuts disproportionately to the most acquisitive agencies. The expectation is that the magnitude of that correlation coefficient increases as controls are introduced successively for action by higher level participants in the process. As the entries in Table 5b indicate, a control introduced for action by the department head effectively increases the magnitude from +0.411 to +0.499. Furthermore, when action by both the department head and the Chief Municipal Administrator are removed, the value of the partial correlation reaches a magnitude of +0.590. Note that further control for Council action shows negligible effects.

These findings suggest two important conclusions concerning the acquisitive nature of an agency's strategy and its actual growth rate. First, we do find support for the view that administrative reviewing agents select the most expansive agencies as recipients of the severest cuts. As the pattern of partial correlations suggests, the relationship between acquisitiveness and growth

Table 5b. Relationship Between Agency Acquisitiveness and Average Growth Rate, Controlling for Actions by Intermediate Budgetary Reviewers[a]

	Controlling for Actions by		
Agency Acquisitiveness and Average Growth	Department Head	Department Head and Chief Municipal Adm.	Department Head, Chief Municipal Adm., and City Council
.411	.499	.590	.588

[a] Pearson product-moment correlation coefficient and partial correlation coefficients; $N=47$.

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[19] See, for example, Richard Fenno, *The Power of the Purse*, chapters 10–12 (Boston and Toronto: Little, Brown, 1966).

would be much stronger were it not for actions taken during the process by the department head and the Chief Municipal Administrator. As this pattern, however, is juxtaposed alongside the value of the simple correlation itself, a second conclusion is indicated. Although intermediate reviewing levels are partially successful in blunting the effect of acquisitiveness on actual growth, they are not entirely successful; a moderately strong correlation obtains between agency acquisitiveness and actual growth, regardless of action taken by intermediate reviewers in the budgetary process. Simply put, an expansive strategy will pay off for the agency in the long run—even though intermediate *percentage* cuts will be more severe.

Any number of factors, unmeasured at this point, could account for the observed pattern. The problem may be essentially an informational one. If an agency is in the habit of padding its yearly request, the department head and the Chief Municipal Administrator are likely to be aware of that practice. Yet, the determination of just what portion of the agency request represents padding is difficult. There is likely to be a good deal of slippage here. Large cuts may be introduced at these subsequent levels but, given informational inadequacies, those cuts may not compensate sufficiently for excessive agency padding. Alternatively, the observed pattern may suggest the presence of more conscious steering on the part of the government itself than our decision models take into account. Agencies may be acquisitive or expansive as a direct result of cues received from higher level government decision makers—with the natural result that such stimulated acquisitiveness is accepted by the government.

Conclusions, Reservations, and Prospects for Future Research

While this study owes its intellectual genesis to a set of theoretical materials developed for the American setting, both design and conclusion suggest an important point of departure. We began with a reservation about restricting the formulations to relationships between government and legislature as well as a genuine interest in action at lower levels in the process. We strongly suspected that most of the action occurred earlier in that process, with alterations of relatively small magnitude at the point of legislative review. Our analysis of time-series budgetary data for the Oslo municipal government at four different levels in the process confirms that perspective: substantial alterations in agency requests by the department head are followed by additional, moderate alterations by the Chief Municipal Administrator, whose final decision is only marginally changed by the Municipal Council. We suspect that studies of budgeting in other systems, particularly the parliamentary systems of Western Europe, will need to probe beyond the government-legislature nexus, perhaps in contrast to the requirements for research in American budgetary processes.

We have found, however, that the general linear formulation of strategic decision models is as applicable in the Norwegian as in the American setting. Very little of the variance at each of the four levels in the budgetary process remains unexplained. We have observed several decisional properties which highlight the necessity of examining in detail strategic behavior at each level. Strategic conditions become more complex at higher levels of the administrative hierarchy, although the complexity of the strategy itself is not related to long-term growth. We find the largest concentration of simple incremental strategies at the agency level. This pattern, taken in conjunction with the somewhat lower levels of explained variance for the agency decision equations, suggests the need for additional work at that level, a point to which we return below.

We find support in these data as well for the proposition that reciprocal expectations develop among participants over the long run such that intermediate reviewers cut most severely the requests of those agencies which attempt to be the most expansive. From this viewpoint it is useful to recall a quotation from Wildavsky's earlier work:[20]

> " . . . if they ask for amounts much larger than the appropriating bodies believe reasonable, the agencies' credibility will suffer a drastic decline. In such circumstances, the reviewing organs are likely to cut deeply, with the result that the agency gets much less than it might have with a more moderate request. So the first guide for decision is: do not come in *too* high."

We cannot speak to the last statement which implies that decision makers actually follow such a guide for decision; however, our results concerning the relationship between agency acquisitiveness and long-term growth rather clearly indicate that such a guide for decision is needlessly restrictive. Certainly in terms of action by reviewing agents, percentage cuts will be more severe for the acquisitive than for the nonacquisitive agency. The magnitude of that cut, however, is not sufficient to produce comparable growth rates for acquisitive and nonacquisitive agencies; the acquisitive budgeter holds the advantage.

Such observed patterns may be suggestive of system properties arising from the wider political order. The institutionalization of the Scandinavian welfare state has created a receptivity to the appropriateness of government spending in a variety of areas. The phenomenon of an ever-expanding government budget is much more common in Scandinavia than in most municipalities in the United States—where fiscal as well as ideological factors have operated to hold the line on government spending. Indeed, one important property of systems more receptive to high levels of government spending may be a certain hesitancy on the part of reviewers to make substantial deletions in requests by their administrative units. We suspect, also, that another important factor distinguishes budgetary processes in Oslo from those in many American cities—the consistency and pervasiveness, if not the magnitude, of legislative restorations to depleted agency requests. Through such action, the Labor-dominated City Council may be able to provide clear signals of political priorities—encouraging some agencies to be quite expansive in their requests and discouraging in some cases severe action by administrative reviewers with the threat of legislative restoration.

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[20] Davis, Dempster, and Wildavsky, "A Theory of the Budgetary Process," p. 530.

It is useful at this point to return to the assumptions of the linear decision models as a means of suggesting how we expect our own research to proceed. While we believe the evidence presented above to be sufficient to justify our conclusions thus far, we have tried to avoid acceptance with an uncritical eye. In retrospect, a number of assumptions may be thought of as necessary conditions for the valid application of these models. Perhaps the most fundamental assumption lies at the interface between the theoretical propositions we have sought to test and the data brought to bear on those propositions—the assumption of cognition. The interpretative logic of these models depends upon the assumption that decision makers actually *think* about budgetary problems in percentage terms. We have not, as yet, presented any evidence bearing upon that kind of cognitive assumption at the level of the individual decision maker, nor are we aware of any systematic evidence on this point from similar studies. It is entirely possible to obtain the pattern of results above with any of several alternative styles of decision making—thinking in terms of monetary units, simply adding new programs to the agency budget, increasing one program by a specified amount, etc.

For this purpose we are able to draw upon an extensive set of interview-questionnaire materials completed during the late summer of 1973 with agency chiefs and financial officials in each of the forty-seven agencies analyzed above. With regard to several questions utilized in the study design, we were not interested in testing the same propositions set out above with different kinds of data, but rather sought to make use of the interview materials to test some of the underlying assumptions of those models. More specifically, if decision makers engage in the kind of problem solving implied by these models, then a necessary condition is that they have some recollection of the elements of that postulated decision structure: the requested increase last year; the percentage alterations by department head, Chief Municipal Administrator, and Council; the overall percentage cut; as well as some judgment as to how the request is likely to fare in the upcoming budget considerations.[21]

The entries in Table 6 indicate that in a substantial majority of the cases, the cognitive requirements of these models are indeed met. About two-thirds of our respondents appear to have a clear recollection of these various aspects of budgetary action in percentage terms for the pre-

Table 6. Cognition by Individual Agency Officials of Elements in the Postulated Decision Structure

Element: \ Type of Response:	Precise Percentage Figure	Percentage Range	Monetary Amount	Don't Know/ Remember	Total (*N*)
% cut by dept. head	53%	15%	1%	31%	100% (85)
% cut by Chief Municipal Adm.	55	13	1	31	100 (85)
% change by Council	65	5	5	25	100 (81)
% increase requested	51	20	4	25	100 (84)
% request received	60	13	4	24	101 (85)
% prediction	66	18	1	15	100 (83)

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[21] Considerable care was taken in the interview setting in obtaining these responses. The respondent was introduced to this series of questions by the following: "We'd like to ask you to recall, in as much detail as possible, the actions concerning your budgetary requests last year. We realize that some points you will recall quite clearly but that others you won't be able to remember. Please feel free simply to tell us if you don't remember certain things." In this way we hope to distinguish between those elements of the decision structure which lie at the surface of individual cognizance and those which do not. In addition, the timing of the interview was quite important. Respondents were interviewed after they had made their budgetary decisions for the upcoming year but before any final decision had been made on appropriations.

ceding year and are able to give some prediction about what they expect to happen in the upcoming year—some responding in terms of a narrow range but most with a precise percentage figure. We cannot, however, ignore the roughly one-third to one-fourth of the cases concentrated in the *don't know* categories of the table; and here the interpretation is quite clear. About one-third to one-fourth of these agency officials do not meet even the minimal cognitive requirements of recall regarding the principal elements of the model decision structure.[22] This should not, however, detract from the general finding that a substantial majority do meet those requirements. If we extrapolate from the cross-sectional to the time series data, we would expect not to be in error in about two-thirds of the cases—an extrapolation which we feel easily justifies the use of these models from this standpoint.

Our reservations about the applicability of these kinds of models for a significant minority of agency level officials, as well as the distinctively lower multiple correlation coefficients for agency level decisions displayed above, have led us to consider a variety of other kinds of factors at the level of the individual decision makers. Agency level officials may be more receptive to problems in their relevant environments, more sensitive to the needs and demands of important clientele groups, and more committed to the value of their own programs than higher level officials. Agency officials may hold very clear perceptions of which participants are on their side in budgetary considerations as well as judgments about the relative influence of those participants. Finally, we have also been interested in how agency officials view the elements of partisan politics and how those perceptions may shape budgetary decisions from year to year.[23] By pursuing a host of such factors at the level of the individual decision maker, we hope to shed some light on a constantly recurring societal problem—how governments decide to distribute public goods.

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[22] It is important to note that, while there is some variation across the six questions, this is by and large an individual phenomenon. That is, respondents found in the *don't know* category on one question are likely to be found in that category on other questions as well.

[23] See, in particular, Karl-Erik Brofoss, "Interesseorganisasjonens og Budsjetteringsprosessen i Oslo Kommune: En Partiell test av et teoretisk resonnement," Institute for Political Science, University of Oslo, mimeo, 1975; Andrew T. Cowart, "Partisan Politics and the Budgetary Process in Oslo," *American Journal of Political Science*, 19 (November, 1975) forthcoming; and Andrew T. Cowart, "The Machiavellian Budgeter," mimeo, 1975.

The City and Political Psychology*

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In his presidential address to the American Political Science Association in 1967, Robert Dahl discussed "the city in the future of democracy."[1] The empirical question in his discussion concerned the effects of population size on citizen participation in the political process. Since then, several studies have touched on the problem, but only two that I have encountered have focused on it explicitly.

It is the purpose of this paper to examine that question through secondary analysis of survey data. Only a part of the problem will be handled, however. I will deal here with the effects of urban life on the psychology of political involvement. This approach focuses on the individual as the unit of analysis and leaves for separate treatment analyses on the aggregate (city) level. (Previous work has indicated that there may be structural effects which raise problems of ecological fallacies in attempting to generalize from one of these levels to another.[2])

The question is therefore refined to: "What are the effects of urbanism on the individual's political psychology?" ("Political psychology" is defined most generally as the basic attitudes and behaviors of the individual which are of a political nature, independent of specific issues or specific political bodies.) Put another way, how does the urban experience shape the individual's orientation to the political realm? Below I shall indicate a decomposition of political psychology into different cognitive dimensions orderable in a causal model.

This model will serve as the dependent variable. Relevant theoretical work led me to decompose the independent variable into three related parts: (1) What are the effects of *urbanism?*; (2) What are the effects of legal *city size?*; (3) What are the effects of their *interaction?*

(1) By the first query I refer to the effects of life in an urbanized, metropolitan area, independent of the size of one's own particular political unit. (Urban and urbanism are defined here for operational and substantive reasons in terms of population size.[3]) There are two major and contradictory theoretical lines on this issue.

One is the "social mobilization" approach which suggests that, because urban areas are communication nodes and the sites of opinion leaders, urban residence exposes the individual to more information, persuasion, and political models, and therefore increases individual involvement.[4]

The opposite prediction comes from the urban "anomie" literature which stresses the alienating forces of city life. The urban experience presumably destroys kinship, friendship bonds, and social norms and creates isolation and rootlessness. In this atmosphere, the individual is rendered powerless and is not integrated into the social system in general nor into the polity in specific. The effect is therefore predicted to be negative: urban life generates withdrawal from political involvement.[5]

(2) What are the effects of city size? Here I refer to the size of the individual's specific polity. (E.g., while question 1 asked about the effects of living in the Los Angeles metropolitan area versus living

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[1] Robert A. Dahl, "The City in the Future of Democracy," *American Political Science Review,* 61 (December, 1967), 953–970.

[2] R. R. Alford and E. C. Lee, "Voting Turnout in American Cities," *American Political Science Review,* 62 (Sept., 1968), 796–813; Norman H. Nie, G. B. Powell and Kenneth Prewitt, "Social Structure and Political Participation: Developmental Relationships, Part I," *American Political Science Review,* 63 (June, 1969), 361–378.

[3] As I have argued elsewhere, the size of population aggregated at a place of settlement is the most fundamental and least confounded definitional criterion available. See Claude S. Fischer, " 'Urbanism as a Way of Life': A Review and an Agenda," *Sociological Methods and Research,* 1 (Nov., 1972); *The Urban Experience* (New York: Harcourt Brace Jovanovich, 1976).

[4] Karl Deutsch, "Social Mobilization and Political Development," *American Political Science Review,* 55 (Sept., 1961), 493–514; G. Sjoberg, "The Rural-Urban Dimension in Preindustrial, Transitional and Industrial Societies," in *The Handbook of Modern Sociology,* ed. R. E. L. Faris (Chicago: Rand McNally, 1964); Claude S. Fischer, "Toward a Subcultural Theory of Urbanism," *American Journal of Sociology,* 80 (1975), forthcoming.

[5] L. Wirth, "Urbanism as a Way of Life," *American Journal of Sociology,* 44 (1938), 3–24; cf. Fischer, " 'Urbanism as a Way of Life': A Review and an Agenda."

in rural California, this question deals with the difference between living in Los Angeles City versus the cities of Compton or Santa Monica.) Although metropolitan size and city size are highly correlated, the theoretical issues are somewhat different. It was the size of the legal city that formed Dahl's basic question, and he dealt with it in terms of classic political theory, coming to the following conclusions: As size increases, face-to-face political discussion among the citizenry is more difficult, citizen-leader interaction becomes more indirect and onesided, and citizen involvement is reduced to voting or "consummatory . . . participation" (e.g., reading newspapers).[6] I might add that, while these passive acts are still possible in large polities, one could expect the sense of the futility of individual action this situation creates to discourage even such limited involvement.

Dahl also points out the positive side of size: As the polity grows, its power for achieving individual and collective goals increases. This should encourage involvement. Combining these two forces, Dahl suggested that there may be an optimal city size between the two extremes. For present purposes, we can consider this a hypothesis as well as a program: that individual political participation is curvilinearly related to community size.[7]

(3) The interaction of city size and urbanism: What are the effects of urbanism on the local polity? The concern here is with the "decline of community" argument—that in an urban society, the local community is "eclipsed,"[8] both because of the general "massifying" effects of ever-growing and ever-nearer metropolises and because local politics become dwarfed by the concerns of the major city in the area.[9] This suggests two hypotheses: (1) that, as urbanism increases, attention to the locality decreases; and (2) that, with size of polity held constant, the more dominated by a metropolitan center a community is, the less the general involvement of its citizens.

Previous Work

The empirical generalization concerning community size and political involvement is that "the larger the community, the higher the rate of participation."[10] The validity of this proposition has been demonstrated by studies of political interest among citizens of the United States, France, Finland, Japan, Germany, and some developing nations.[11] However, at least one influential data-set, the well-known Five-Nation Study, fails to replicate such findings. Analyses of this survey have generally yielded weak or no associations between size of town and various measures of individual political involvement—"sense of subjective competence," political "alienation," political competence, and participation. In one exception, Cornelius did find for the Mexican sample that duration of urban residence was positively associated to felt involvement in government.[12]

The absence of a substantial correlation between urbanism and political involvement in the Five-Nation Study is striking when contrasted to the Milbrath generalization. Various explanations have been offered for the anomalous result. Di Palma has suggested that the particular sampling method of the Five-Nation Study is the source.[13] Nie, Powell, and Prewitt interpreted the absence of a correlation at the individual level as evidence that the generally observed correlation between urbanization and participation at the national level is a result of aggregation effects and that an application of the latter association to individuals runs the risk of ecological fallacy. Burstein interpreted the absence of a correlation in the Five-Nation Study as support for a developmental model in which an individual's demographic attributes are initial but muted causes of involvement. Yet, the absence of that association is a somewhat unusual finding. (Note: Nie et al. were able to replicate this nil result in an Indian sample.)

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[6] Dahl, "The City in the Future of Democracy," p. 957.

[7] The importance of distinguishing urbanism from size of polity is evident in the current controversy over decentralization of city governments. The metropolitan areas would remain; the cities would shrink.

[8] M. R. Stein, *The Eclipse of Community* (New York: Harper and Row, 1964).

[9] Sidney Verba and Norman H. Nie discuss this in depth, in *Participation in America* (New York: Harper and Row, 1972), chapter 13.

[10] Lester Milbrath, *Political Participation* (Chicago: Rand McNally. 1965).

[11] Angus Campbell et al., *The American Voter* (New York: Wiley, 1960); Sidney Tarrow, "Political Involvement in Rural France," *American Political Science Review,* 65 (June, 1971), 341–357; Robert E. Ward, "Urban-Rural Differences and the Process of Political Modernization in Japan: A Case Study," *Economic Development and Cultural Change,* 9 (Oct., 1960), 135–166; J. Kyoguku and N. Ike, "Urban-Rural Differences in Voting Behavior in Post-War Japan," *Economic Development and Cultural Change,* 9 (Oct., 1960), 167–185; *Polls* (Autumn, 1967); A. Inkeles, "Participant Citizenship in Six Developing Countries," *American Political Science Review,* 63 (Dec., 1969), 1120–1141.

[12] Gabriel A. Almond and Sidney Verba, *The Civic Culture* (Princeton, N.J.: Princeton University Press, 1963); Nie et al., "Social Structure and Political Participation: Developmental Relationships, Part I," pp. 361–378; Edward N. Muller, "Cross-National Dimensions of Political Competence," *American Political Science Review,* 64 (Sept., 1970), 792–809; Ada W. Finifter, "Dimensions of Political Alienation," *American Political Science Review,* 64 (June, 1970), 389–410; Giuseppe Di Palma, *Apathy and Participation: Mass Politics in Western Societies* (New York: Free Press, 1970); Wayne A. Cornelius, Jr., "Urbanization as an Agent in Latin American Political Instability," *American Political Science Review,* 63 (Sept., 1969), 833–857; Paul Burstein, "Social Structure and Political Participation in Five Countries," *American Journal of Sociology,* 77 (May, 1972), 1087–1111.

[13] Di Palma, *Apathy and Participation,* p. 133, n. 6.

When statistical controls for social class were applied to isolate an independent urban effect in the Five-Nation data, the correlations between city size and involvement were reduced to zero or even rendered negative.[14] In the Inkeles Six-Nation Study, urbanism was reduced by such controls to essentially no independent effect.

Nie et al. made a distinction between local involvement and national involvement. And, consistent with the hypothesis outlined earlier, they found small but negative effects of city size on localism. This result is supported by an ecological study of voting in France. Kesselman found that, as size of commune increased, turnouts for national elections increased, and turnouts for local ones decreased. Similar results have been reported for Belgium.[15]

Yet another distinction should be made: between psychological involvement and individual action. It has been noted in both France[16] and Japan[17] that political interest increases with community size but political action (especially voting) decreases. Tarrow explains this as a result of the desire on the part of the citizens of small communities to avoid disruptive partisan arguments. (They vote but they do not talk politics.) Nyogoku and Ike explain the Japanese findings as the results of community conformity pushing uninterested citizens to the ballot box.[18]

The most central and relevant study was recently reported by Verba and Nie.[19] Their intent was to contrast and test the social mobilization and the decline of community models. Aggregating individual American survey data, they constructed, for each of 106 communities, mean scores on various dimensions of political participation. These scores (both raw and corrected for individual demographic traits) were correlated against "Community Type," a scale combining distance from metropolitan areas and polity size. They concluded that their data supported the decline of community model: Community size, and, especially, community subordination to a metropolitan center, depressed participation.

A number of qualifications should be mentioned, however: (1) Most of the Verba and Nie results were not statistically significant. Those that were dealt largely with local involvement. (2) Even these could have been inflated by the analytical procedures, especially the use of ecological correlations.[20] (3) It is difficult to disentangle the effects of polity size (i.e., the size of the legal "city") and general urbanism (i.e., the size of the metropolitan area) in the results.

In any event, Verba and Nie did not address themselves to the psychological issue, but only to various forms of participation. The research reported below deals with psychological variables, is conducted at the individual level of analysis, and seeks to distinguish urbanism from polity size. As we shall see, the results are not inconsistent with Verba and Nie; the conclusions are, however, more cautious and complex.

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[14] Finifter, "Dimensions of Political Alienation," pp. 389–410; Burstein, "Social Structure and Political Participation in Five Countries," pp. 1087–1111; Nie et al., "Social Structure," pp. 361–378.

[15] Mark Kesselman, "French Local Politics: A Statistical Examination of Grass Roots Consensus," *American Political Science Review*, 60 (Dec., 1966), 963–973; W. Dewachter, "Gemeenteraadsverkiezingen en Vestedlijking," *Res Publica*, 12 (1970), 189–209 (*Sociological Abstracts*, February 1973, #73G0946).

[16] Sidney Tarrow, "Political Involvement in Rural France," pp. 341–357.

[17] J. Kyoguku and N. Ike, "Urban-Rural Differences in Voting Behavior in Post-War Japan," pp. 135–166.

[18] A similar point with regard to small American communities is made by E. K. Scheuch, "Social Context and Individual Behavior," in Matei Dogan and Stein Rokkan, eds., *Quantitative Ecological Analysis in the Social Sciences* (Cambridge, Mass.: M.I.T. Press, 1969), p. 153.

[19] Verba and Nie, *Participation in America*.

[20] Ecological correlations will usually inflate individual-level associations (see various discussions in Dogan and Rokkan, *Quantitative Ecological Analysis in the Social Sciences*).

Two other methodological points: (1) By adjusting for individual attributes through pooling the sample of individuals, calculating a common regression equation, and examining residuals, Verba and Nie ran the risk of over-correcting for the control variables when testing Community Type. If the categories of the independent variable (Community Type) differ with regard to the means on the dependent variables (participations) and the control variables (class, race, age), then the following is possible: The within-category slopes (participation on controls) can be shallower than the slope that is drawn by pooling all the cases. The pooled equation may assign some of the variance due to community to the controls. When the corrected scores are then examined within levels of Community Type, they will understate or reverse the effect of Community Type to the degree to which that category is associated with the control variables. We do know that community types (e.g., center-city versus suburb) vary in their distributions on class, age, and race, suggesting that this over-correction may have occurred. The ecological analysis used could then have further amplified the distortion. This may explain why the "large suburb" category was the most affected by the correction procedure. (Note: The simulated analysis of covariance reported later in this paper is subject to the same criticism.)

(2) Further controls (e.g., region, mobility) could have been used at the individual level. R. M. Hauser ("Context and Consex: A Cautionary Tale," *American Journal of Sociology*, 75 [January, 1970], 645–664) cautions on the necessity of fully controlling for individual-level variables before attributing causality to a context. Also, controls for social composition at the community level could have been imposed.

In another study published after this one was completed, Richardson reported detailed findings on urbanization and participation in Japan.[21] Residents of larger communities evidenced more interest in national and less in local affairs than did those in rural communities. The latter difference persisted after controls for covariates were applied. The distinction between interest and voting was once again important, for rural places seemed able to "turn out" their voters, including those who were unconcerned.

Data

This paper moves beyond the previous work by directly addressing the relationship of urbanism and political psychology, using as the primary data base the 1968 Survey Research Center (S.R.C.) Election Survey.[22] I shall later also report results with another data set—the popular Almond and Verba Five-Nation Study.

Dependent Variables. Examination of the items available in the S.R.C. survey and subsequent factor analysis of them resulted in four scales. (An account of the procedure is provided in Appendix A.) These scales are:

(1) "Political Efficacy." This 20-item scale reflects the individual's sense that his own political actions are effective, that government is responsive and, when responsive, effective.

(2) A "Political Interest" scale, reflecting expressed interest in and apparent knowledge of political affairs.

(3) A "Political Activity" scale, composed of items asked after the election about the individual's activities during the campaign.

(4) A voting scale, largely based on whether the respondent had voted in the presidential race, but also including voting for lesser offices.[23]

The intercorrelation matrix of the dependent variables is presented in Table 1.

Table 1. Intercorrelations of Dependent Variables

	Efficacy	Interest	Activity	Voting
Political Efficacy	1	.31	.21	.19
Political Interest		1	.39	.41
Political Activity			1	.27
Voting				1

Theory and research on sense of efficacy indicate that these four factors should be ordered in the manner displayed in Figure 1. Individuals seek and attend to information in accord with how instrumental they feel that information to be. Efficacious and knowledgeable individuals are the ones most likely to act.[24] This ordering is similar to that used by Nie et al. and Muller (though the reverse of Finifter). Path analysis of the correlations—displayed in the figure—supports the arrangement.[25]

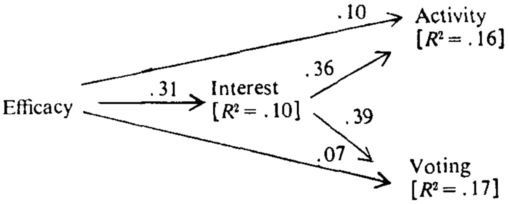

Figure 1. Path Diagram of Dependent Variables

Thus, I am positing a political psychological model in which sense of efficacy determines whether the individual is interested in and learns about political affairs. These two, in turn, determine whether he will engage in campaign activity and voting. Figure 1 indicates that the influence of sense of efficacy is almost entirely mediated by the interest it generates. The importance of this decomposition and ordering is that it permits a discrimination to be made with regard to which cognitive and behavioral dimensions are affected by urbanism, and also provides an estimation of the ramification of such effects on other dimensions.

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[21] Bradley M. Richardson, "Urbanization and Political Participation: The Case of Japan," *American Political Science Review*, 67 (June, 1973), 433–452.

[22] The 1968 survey has a double-sampling of black respondents. The analysis was over the entire sample, including the extra black interviewees. This procedure might be considered to jeopardize the representativeness of the results. But, given (a) a 77% response rate, and (b) the typical amount of "noise" survey techniques pick up, it is hardly likely that the smaller set would be, in reality, much more "representative" of the nation. Keeping the extra subjects does increase the data base. The other alternative, that of weighting the cases, seems to me to play unnecessarily loosely with the nature of statistical analysis. In any case, I checked the correlation matrix that results from taking a white-only subsample. The structure of those correlations is essentially the same as in the full 1,673-case sample (reported in Appendix B).

[23] A list of specific questions and their coding is available in the author's dissertation, "Studies in the Social Psychology of Urban Life" (Harvard University, 1972). They are also available from the author, c/o Department of Sociology, University of California, Berkeley.

[24] Certainly, there are feedback effects, but this chain of causality seems prior. See M. Seeman, "On the Meaning of Alienation," *American Sociological Review*, 24 (Dec., 1959), 783–791; and "Alienation and Engagement," in *The Human Meaning of Social Change*, ed. Angus Campbell and Philip Converse (New York: Basic Books, 1972), pp. 467–528; Angus Campbell et al., *The Voter Decides* (Evanston, Ill.: Row, Peterson, 1954); J. B. Rotter, "Generalized Expectancies for Internal Versus External Control of Reinforcements," *Psychological Monographs*, Whole No. 609 (1966).

[25] For a brief discussion of path analysis, see Appendix C.

Control Variables. The central methodology of this paper involves path analyses of the determinants of this model (see Appendix C). Appendix B presents the basic correlation matrix which was used. First, the political psychology model was regressed onto the urbanism variables alone, yielding, in a sense, a zero-order path model that permits one to observe where in the three-stage process urbanism affects political orientation. Then the dependent variable set was regressed onto the urbanism measures together with a number of control variables so as to provide an indication of the independent, *unique*, effects of urbanism. The variables in the two path models are listed in Table 2, in a left-to-right, causal order.

(The ordering of the independent variables was done by a simple rule: first, attributes which are ascribed; second, those which are later achieved. Though finer causal distinctions could be made, they would not affect the testing of urbanism's direct effects.)

Because of the size of the model, because of the misleading nature of beta coefficients in equations of highly collinear variables (e.g., education and occupation; region of origin and present region), and because my interest here is not in explaining the dependent variables, but rather in analyzing their association to specific independent variables, I will not present in the succeeding tables all the path coefficients for the entire model but only the statistically significant paths for the urbanism variables.

Results

Table 3 displays the zero-order correlations between measures of urbanism and the dependent variables.

These results indicate, as a *descriptive* statement, that residence in cities, especially during childhood, is slightly associated with a more integrated and active political orientation. This is consistent with the mobilization rather than the alienation hypothesis. The curvilinear relationship which Dahl predicted is also observed, at least for Efficacy and Activity. (And, as predicted, the functions are inverted-U-shaped, with the greatest Efficacy and Activity in the medium-sized places.)

From this point, the analysis continues with a treatment, first, of the general urbanism hypothesis (using S.M.S.A. size and size of city reared in), and then of the Dahl thesis on size of constituency (using city size and city size squared). This separation was made because the high collinearity of S.M.S.A. and size of present city ($r=.67$) makes interpretation of a regression equation including both sets of measures difficult. When, however, analysis was performed on all the measures together (not shown here), the results tended to support the overall conclusions of this paper.

The Effects of Urbanism. Table 4, Part A, shows the significant paths resulting from regression of the political psychological variables onto the urbanism measures by themselves. (The table is read as follows: Size of City Raised In strongly "determines" size of present S.M.S.A. [.42], modestly "boosts" sense of efficacy [.14] and, *independently of its effect through Efficacy*, modestly "increases" Interest [.14]. It has no significant independent effects on Activity and Voting, operating on them only via Efficacy and Interest. Size of S.M.S.A. affects political psychology only through a barely significant direct impact on Activity [.08]. The relationships among the psychological and behavioral variables remain roughly as they were in Figure 1. And, the R^2 row indicates that Efficacy remains almost totally unexplained [.02]. The causal language employed in reading path analysis is a matter of convention, not absolute proof.)

(When read vertically, the table columns are regression equations with standardized beta coefficients as entries. In the full model, however,

Table 2. Models of Urbanism and Political Psychology

	Determinants		Dependent Variable Set		
Zero-Order Model	Size of City Raised In	Size of S.M.S.A. Size of City	Efficacy	Interest	Activity Voting
Controls in Partialled Model	Race Sex Age Religion (Protestant; Jewish) Father's occupational status Region Raised (South)	Education Occupational status Income Life-Cycle Stage (five dummy variables) Owner vs. Renter Length of Time in Town Present Region (South)			

Table 3. Zero-Order Correlations Between Urban Variables and Political Psychological Variables[a]

	Efficacy	Interest	Activity	Voting
Size of City Raised In[b]	.140	.166	.094	.078
Size of S.M.S.A.[c]	.053	.037	.089	.051
Size of City[d]	.031	.048	.085	.013
Size of City, squared	.000	.037	.068	.004
Quadratic R[e]	.132	.063	.105	.039

[a] N is approximately 1,670 for Efficacy and Interest; 1,440 for Activity and Voting.

[b] Categorized as follows: Rural/town/'mixed' ($N=17$)/small city/suburb ($N=14$)/large city.

[c] Three categories: Outside Standard Metropolitan Statistical Area/in S.M.S.A./in 12 largest S.M.S.A.'s.

[d] Categorized: Under 2,500/2,500–10,000/10,000–50,000/50,000+, except for . . . /center cities of 9 largest S.M.S.A.'s after . . . /New York City, Los Angeles, and Chicago.

[e] Multiple R for β_1 (City Size)+β_2 (City Size^2).

the coefficients for the control variables are not listed.)

The results indicate that urbanism of current residence has little association with the dependent variables, other than a small independent effect on Activity. (When S.M.S.A. is entered into the equation, the change in R^2, ΔR^2, equals .005.) The major association is with the size of the city raised in, which affects behavior through increasing Efficacy and Interest ($\Delta R^2=.017$; .016).

Part B shows the significant paths when the full model is run. (The control variables are not listed, but their effects can be seen by contrasting the R^2's of model A with those of model B. So, for example, the R^2 for Activity increases only .02, while the R^2 for Interest increases .22, suggesting that the largest effects of the control variables on political activity operate through their influences on political interest.) The result of entering the control variables is largely to wash out the effect of City Raised In. It operates mainly through father's occupation and respondent's education to increase the sense of political efficacy. Though two independent paths remain (S.M.S.A. to Activity, City Raised to Interest), they are both small ($\Delta R^2=.004$, .003).

At this point, we would conclude that neither the prediction of mobilization nor that of urban anomie is strongly upheld, though what small effects exist are in the direction of the mobilization hypothesis.

Size of Polity. I turn next to the Dahl prediction of a curvilinear association between size of the political city and political orientation. Table 5A shows the zero-order influence of linear and quadratic functions of city size. Table 5B shows the same paths after introduction of the control variables.

Both the before- and the after-controls models

Table 4. Path Models of the Effects of Urbanism on Political Psychology (only significant, $p<.05$, path coefficients shown)

Independent Variables	Dependent Variables				
	S.M.S.A.	Efficacy	Interest	Activity	Voting
	A. Zero-Order Model				
City Raised In	.42	.14	.14	—	—
S.M.S.A.	*	—	—	.08	—
Efficacy	*	*	.29	.10	.07
Interest	*	*	*	.36	.39
R^2	.18	.02	.11	.16	.17
	B. Full Model (Controls listed in Table 2)				
City Raised In	.31	—	.06	—	—
S.M.S.A.	*	—	—	.07	—
Efficacy	*	*	.16	.08	.06
Interest	*	*	*	.33	.33
R^2	.24	.15	.33	.18	.25

* Not applicable.
— Not significant.

Table 5. Path Models of the Effects of Polity Size on Political Psychology

Independent Variables	Dependent Variables City Size	Efficacy	Interest	Activity	Voting
			A. Zero-Order Model		
City Size					
Linear	*	—	—	.06	—
Quadratic[a]	*	.13	—	.08	—
Efficacy	*	*	.31	.10	.07
Interest	*	*	*	.35	.39
R^2	*	.02	.10	.16	.17
			B. Full Model (Controls listed in Table 2)		
City Size					
Linear	*	—	.07	.06	—
Quadratic[a]	*	.08	.08	.07	—
Efficacy	*	*	.16	.07	.06
Interest	*	*	*	.32	.33
R^2	.22	.16	.34	.18	.25

* Not applicable. —Not significant.

[a] See note e of Table 3.

support Dahl's prediction to the extent that a quadratic function of size is independently associated with a sense of Efficacy (.08) and a linear function is not. The ΔR^2's before and after controls are .017, .005. Graphing the function (not shown here) revealed that the lowest points of Efficacy were at the extremes of the size continuum.

A quadratic function of city size, however, does not directly contribute any more to political Activity than does a simple linear function (.07 versus .06). The reader will also note, in Table 3, that the zero-order multiple R's for the quadratic function are little better than the linear ones in predicting Interest, Activity and Voting. These statistics indicate two things: (a) the curvilinear effect on citizen involvement which Dahl suggested is mediated almost entirely by the citizen's sense of efficacy; and (b) in the process of mediation, only a minor part of that effect is passed on.

The reason for this may be the small, independent linear contributions that city size makes to Interest and Activity, suggesting that there are aspects of the largest cities which encourage involvement in spite of alienation.

In any case, Dahl's complex prediction is supported, although by barely significant effects.

Localism and the Small Community. To examine the hypothesis that urbanism reduces orientation to the local polity, an item from the post-election wave of the S.R.C. study was used. Respondents were asked to what extent they followed political affairs. Except for those who answered "hardly at all," they were then asked to rank international, national, state, and local affairs in terms of their degree of interest. The item used was the ranking of local affairs, from last to first in importance.[26]

The zero-order and the partial path analyses for this item regressed on sense of efficacy and on urbanism (S.M.S.A. and city raised in) are shown in Table 6.

Table 6. Path Models of the Effects of Urbanism on Localism

Independent Variables	Dependent Variables S.M.S.A.	Efficacy	Localism
		A. Zero-Order Model	
City Raised In	.42	.14	—
S.M.S.A.	*	—	−.12
Efficacy	*	*	−.11
R^2	.18	.02	.04
		B. Full Model	
City Raised In	.31	—	—
S.M.S.A.	*	—	−.10
Efficacy	*	*	—
R^2	.24	.15	.14

* Not applicable.

— Not significant.

The conclusion from this table is that there is a small independent effect of size of Standard Metropolitan Statistical Area in the direction of reducing the relative importance of local affairs among those citizens interested in politics at all ($\Delta R^2 = .007$). (Substituting size of city in the

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[26] I experimented with a composite scale of all the rankings, but this bulkier construct behaves essentially no differently than does the single item.

Table 7. Correlations of City Size and Proximity to S.M.S.A. with Dependent Variables (among those living in cities of under 50,000)

	Efficacy	Interest	Activity	Voting	Localism
Size of City (under 50,000)	.108	.105	.066	.080	−.100
Proximity to S.M.S.A.[a]	.137	.014	.119	.080	−.050

[a] Size and proximity are correlated at .275.

models revealed no independent linear or quadratic effects of polity size on localism.)

The second hypothesis drawn from the decline of community model is that residents of small polities are discouraged from political involvement to the degree to which their communities are engulfed by a metropolis. The strongest results from the Verba and Nie study were that proximity to a metropolis depressed local "communal" political activity.

I will present two analyses relevant to this point: a path model for small-city residents which incorporates proximity to a metropolis, and an analysis of variance procedure in which size of polity and size of metropolitan area are treated orthogonally.

In the first test, respondents included only persons living in cities of under 50,000 population (which were therefore not core cities of metropolitan areas). Within that subsample of approximately 1,100 respondents, the psychological variable set was regressed onto size of city and onto a variable measuring proximity of the respondent to an S.M.S.A. of 350,000 or more.[27]

The zero-order correlations are presented in Table 7 and the tests of the models are presented in Table 8.

In the zero-order model, both city size and proximity are positively related at various points to political involvement. But, the partialled model reveals that proximity does tend independently to *decrease* Interest (Proximity to Interest, −.14, $\Delta R^2 = .014$). Though a small effect, this does replicate the Verba and Nie findings. Similarly, the simultaneously small *positive* impacts made by city size are consistent with some of the detailed findings of Verba and Nie. (One must recall that the range of city sizes provided here falls within the upward, increasing involvement, part of the "Dahl curve.")

Examination of the Localism item in these models revealed no independent urban effect (data not shown).

To recapitulate the results of the path analyses:

(1) The correlations of urbanism with political psychological variables are generally low, though in a "positive"—involved—direction.

(2) The positive effects of the urban experience are mediated by social class variables, particularly in the case of an urban childhood.

(3) After controls, there remain only small ($R^2 < .01$) residual increments to political interest

Table 8. Path Models of the Effects of Urbanism on Political Psychology Among Residents of Cities Under 50,000

Independent Variables	Dependent Variables			
	Efficacy	Interest	Activity	Voting
	A. Zero-Order Model			
City Size	.08	.06	—	—
Proximity to S.M.S.A.	.12	—	.11	.06
Efficacy	*	.33	.07	—
Interest	*	*	.36	.40
R^2	.02	.12	.16	.18
	B. Full Model (Controls listed in Table 2)			
City Size	—	.07	—	—
Proximity to S.M.S.A.	—	−.14	.08	—
Efficacy	*	.17	—	—
Interest	*	*	.33	.34
R^2	.19	.37	.20	.26

* Not applicable.
— Not significant.

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[27] This analysis is patterned after one reported by Verba and Nie in an earlier draft of *Participation in America*, and kindly supplied by Professor Verba. It does not, however, appear in the final version of that book.

and action as a function of urbanism (whether measured by S.M.S.A., size of childhood city, or size of present city).

(4) Size of city is curvilinearly related to a sense of political efficacy (peaking in the middle), even after controls, but linearly positively related to the same marginal degree ($R^2<.01$) to political attentiveness and participation.

(5) Voting is not at all directly affected by urbanism measures.

(6) Size of metropolitan area exerts a negative influence on interest in the local polity (among those interested at all).

(7) Among residents of small cities, closeness to a large S.M.S.A., while not decreasing efficacy, does independently decrease interest in politics.

The Interaction of Size of Polity and Urbanism. Because size of city and size of metropolitan area are highly related across individuals as units of analysis ($r=.67$), it is difficult to treat them together with regression procedures. Furthermore, such an additive model may mask interactions. The technique used therefore was a simulated analysis of covariance with S.M.S.A. size and city size as crossed factors. This is not a fully crossed design (e.g., there are no cities of over 50,000 in non-S.M.S.A. areas, by definition). Therefore, actual analysis of covariance programs could not be used. Instead, categories were created for each combination of city size and S.M.S.A. size, and each cell was tested against the others on the *residuals* of five political variables: Efficacy, Interest, Activity, Voting, and Localism. That is, sense of Efficacy was corrected for the 18 control variables listed earlier; Interest for those and for Efficacy; Activity and Voting for the 18, plus Efficacy and Interest; Localism for the 18 and Efficacy.

The standardized means for each adjusted variable within each category are displayed in Table 9. The table is read as in the following example: Being in cell A1 (outside an S.M.S.A. and in a city of under 2,500) moves the average individual .071 standard deviations (SD's) below the grand mean on Efficacy—controlling for his individual traits. Being in that category moves him down an additional .071 SD's from the grand mean on

Table 9. Effects (Means) on Standardized Residuals of Dependent Variables by City Size and S.M.S.A. Size

Size of S.M.S.A.		Size of City (1) <2,500	(2) 2,500–10,000	(3) 10,000–50,000	(4) 50,000+	(5) 12 Largest	Unweighted Mean
(A) Outside S.M.S.A.	Eff:	−.071	.053	.057	*	*	.013
	Int:	−.071	.294	.135			.119
	Act:	−.103	−.106	−.106			−.105
	Vote:	−.022	−.033	.088			.011
	Loc:	.051	−.026	.088			.038
		($\bar{N}$=372, 256)[b]	(120, 83)	(136, 109)			
(B) Inside S.M.S.A.	Eff:	.088	.000	.048	.103	*	.060
	Int:	−.080	−.122	.031	−.002		−.043
	Act:	.162	.070	−.023	.182		.098
	Vote:	.116	.026	.025	−.046		.030
	Loc:	−.147	.095	.020	−.040		−.036
		($\bar{N}$=88, 61)	(133, 97)	(63, 42)	(270, 202)		
(C) 12 Largest S.M.S.A.'s	Eff:	(.177)[a]	.034	.032	−.103	−.160	−.049
	Int:	(−.051)[a]	−.172	−.221	−.133	.197	−.082
	Act:	(−.213)[a]	−.015	−.001	.114	−.017	.020
	Vote:	(−.090)[a]	−.079	.037	.170	−.001	.032
	Loc:	(.201)[a]	−.137	−.310	−.213	.035	−.156
		($\bar{N}$=16, 13)	(90, 71)	(86, 63)	(52, 36)	(183, 124)	
Unweighted Mean	Eff:	.008	.029	.046	.000	*	.007
	Int:	−.076	.000	−.018	−.062		−.013
	Act:	.030	.017	−.043	.148		.014
	Vote:	.047	−.029	.050	.062		.026
	Loc:	−.022	−.023	−.067	−.126		−.053

* Not applicable.

[a] Not counted in means because of small N.

[b] First entry is average of N's for first four items; second entry is N for Localism item.

Interest—controlling for individual traits and his level of Efficacy. There is a further independent loss of .103 SD's on Activity—controlling for traits, Efficacy and Interest. And so on. The margins provide unweighted means (treating each cell as if of equal *N*).

Table 10 provides a list of the statistically significant comparisons between individual cells. (Note: Significance tests should be corrected for the total number of possible comparisons, $[K(K-1)/2]$, and that is provided in the last column.)

The following summary statements seem justified from examination of Table 10:

1. Efficacy: The urbanism categories have a minimal effect on sense of efficacy. (a) There is no clear main effect of S.M.S.A. size within categories of city size; (b) nor is there a clear city size effect within S.M.S.A. levels. (c) However, there appears to be an interaction such that, outside S.M.S.A.'s, size is positively related to Efficacy, but, inside large S.M.S.A.'s, it is negatively related. This describes the "Dahl curve" and results in the lowest Efficacy in the smallest (A1) and the largest (C4, C5) cells.

Table 10. Significant Differences ($t>1.96$) in Table 9

Variable	Comparison	*t*	Corrected Significance[a]
Efficacy	A1<B4	2.21	>.50
	B3>C5	2.05	>.50
	B4>C5	2.78	.38
	Overall: $F=1.17$, $p=.30$, $ETA=.008$		
Interest	A1<A2	3.41	.05
	A1<A3	2.16	>.50
	A1<C5	2.98	.20
	A2>B4	2.69	.49
	A2>C2	3.26	.09
	A2>C3	3.55	.03
	A2>C4	2.57	>.50
	A3>B2	2.36	>.50
	A3>C2	2.52	>.50
	A3>C3	2.89	.28
	B1<C5	2.17	>.50
	B2<C5	2.87	.29
	B4<C5	2.12	>.50
	C2<C5	2.90	.26
	C3<C5	3.24	.09
	C4<C5	2.18	>.50
	Overall: $F=3.08$, $p<.001$, $ETA=.020$		
Activity	A1<B1	2.30	>.50
	A1<B4	3.60	.02
	A2<B4	2.46	>.50
	A3<B4	2.56	>.50
	Overall: $F=1.72$, $p=.06$, $ETA=.013$		
Voting	Overall: $F=0.64$, $p>.50$, $ETA=.004$		
Localism	A1>C3	2.57	>.50
	A3>C3	2.56	>.50
	B2>C3	2.61	>.50
	B4>C3	2.51	>.50
	C3<C5	2.18	>.50
	Overall: $F=1.26$, $p=.24$, $ETA=.012$		

[a] Corrected for number of comparisons; see text.

2. Interest: This is most affected by the urban variables, though total between-category variance in the residuals is still quite small. Independent of their effects through Efficacy, (a) within city size levels, S.M.S.A. depresses Interest; (b) within S.M.S.A. levels, city size increasesInterest. (Both these results reinforce the findings from the under 50,000 sample.) (c) Notably, core cities of large S.M.S.A.'s generate Interest—to about the same degree to which they depress Efficacy.

3. Activity: This is also minimally affected by the urban factors. (a) There is, independent of Efficacy and Interest, a slight positive main effect for S.M.S.A. size. (b) There seems to be no main effect for city size. (c) The notable cell is the rural one, (A1), in which Activity is especially reduced.

4. Voting is unaffected independently by the urban variables.

5. Localism: Independent of the effects of sense of efficacy, there is little relationship, though (a) S.M.S.A. size tends to reduce Localism; (b) city size is unrelated; and (c) there is an interaction such that Localism is relatively high in core cities of large S.M.S.A.'s but particularly depressed in the surrounding suburbs.[28]

Conclusions

The major conclusion to be drawn from these detailed results is that the urban context is of little importance in determining political psychology. This conclusion is valid here and is also consistent with previous research. The relationships discovered, even when significant, are marginal. Environments as global as size of community simply do not have a major impact on such psychological states.

There are, however, trends—trends which may have been stronger if measurement error had been less. In general, urban life is associated with slightly greater political involvement. This is largely due to associated factors such as class, but it nevertheless remains true that urbanites are more politically mobilized. In terms of the specific hypotheses discussed earlier, the following tentative statements appear justified:

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[28] This last finding, though consistent with Verba and Nie, differs from the findings of the Royal Commission on Local Government in England, *Report, Vol. III: Research Appendices* (London: H.M.S.O., 1969). The Commission found little difference in local interest as a function of whether a town was within or without an urban conurbation. (The Commission results do replicate findings here and elsewhere that localism is greater in rural places.)

In another American study, A. H. Hawley and B. G. Zimmer (*The Metropolitan Community* [Beverly Hills, California: Sage, 1971]) report supportive findings. Suburbanites, though more educated, were less likely to know their community leaders than were center city dwellers. (Also, replacing the results on Efficacy, suburbanites were more *trusting* of those—unknown—officials.)

Does the urban experience (independent of its effects via social class) mobilize or alienate? Generally, the slight independent effects are in the direction of mobilization. (In these data, there is a complex anomaly with regard to large metropolitan centers. Citizens there have a somewhat lowered sense of efficacy, counter-balanced by a heightened political interest.)

What are the effects of polity size? While Dahl's curvilinear prediction was supported, it was weak and affected only sense of efficacy. The relationships seem more complex than his model specifies. The minor effects of city size actually appear to be positive, except for the satellites of very large cities. (The large cities themselves are affected by the complex interaction described above.)

What are the effects of urbanism on the local community? This question is answered with the greatest consistency by both the present and previously published results: Urbanism, in general, reduces orientation to the locality (though the prominence of super-cities tends to compensate for that trend). These results are also consistent with general findings on the decline in the importance of the locality and the neighborhood as one moves from rural to urban.[29]

Another way to summarize the data is to indicate those places which particularly depress or increase involvement. Table 9 indicates that truly rural places (cell A1) are disadvantaged at each point in our model—except with regard to Localism. Suburbs in large S.M.S.A.'s are also depressed—a finding consistent with Verba and Nie. (One should bear in mind, however, that suburbanites are economically well off and that their status works as a counterbalance. See also note 20.) Core cities of most S.M.S.A.'s are somewhat advantaged.

Policy considerations aimed at increasing participation might focus on (a) the disadvantages of outlying areas, and (b) the relative advantages of metropolitan centers vis-à-vis their suburbs. The latter focus might argue for metropolitanization rather than decentralization. But, in neither case is ecology as important as more immediate social variables, and the minuteness of the associations suggests that such decisions be made on grounds other than motivating citizen involvement.

A Replication

Because of the tenuousness of these results, as well as their restrictiveness in time and place, I repeated much of the analysis with the Almond and Verba Five-Nation Study, using the American, British, and German surveys. A scale measuring sense of "Government Responsiveness" was created (playing much the same role as "Efficacy"). Scales were also derived for three forms of political involvement—general, local, and national.

The zero-order results were similar to those obtained in the S.R.C. data—generally low correlations in the direction of mobilization, a "Dahl curve" ($R=.08$) in the U.S. data for Government Responsiveness. In a full model which controlled for nine covariates, the following conclusions seemed to hold generally true: (a) Size of city seems to have decreased feelings of government responsiveness. (b) Then, Responsiveness held constant, size tended to reduce local involvement, but (c) urbanism (both size of current town and size of town born in) increased national involvement. These results appear to replicate the broader findings in the S.R.C. data.[30]

Conclusions: Again

(1) Urbanism is very weakly—if at all—independently associated with political psychological involvement. The trends, however, are:

(2) Large cities may generate a sense of political inefficacy;

(3) Urbanism tends to suppress orientation to the locality, while

(4) Mobilizing citizens to the national level.

APPENDIX A

The S.R.C. Scales

Examination of the items available in the S.R.C. data suggested two realms of individual political involvement: (a) psychological orientations to the political world, and, resultant from those, (b) behavior toward that world. Items were chosen on face validity for each domain and were factor-analyzed separately (using the DATA-TEXT package).[31] The texts of the items used are available from the author.

Analysis of the first set of items showed a single, strong principal component. Only three items had loadings on this factor of under .4, and none were under .33. Therefore, all 20 were kept. The variances of the items were standardized and then a mean drawn.

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[29] Cf. A. Hawley et al., *The Significance of Community in the Metropolitan Setting* (Washington: National Academy of Sciences, 1974); Claude S. Fischer, "On Urban Alienations and Anomie," *American Sociological Review,* 38 (June, 1973), 311–326.

[30] A lengthier account of the replication and a copy of the scales may be obtained from the author. See note 23.

[31] D. J. Armor and A. Couch, *A Data-Text Primer* (New York: Free Press, 1972).

Further analysis revealed three subcomponents in this set: items dealing with individual efficacy (e.g., "People like me don't have any say about what government does"); those dealing with government responsiveness (" . . . how much attention do you feel the government pays to what people think . . . ?"); and, those dealing with trusting the government to be effective in carrying out the popular will ("Do you think that people in government waste a lot of money . . . ?"). Though these scales can be distinguished, they were pooled because they all deal with one major phenomenon: a sense of futility about political involvement—i.e., the belief that the individual cannot be effective, the government will not pay attention and would fail even if it did anyway. Also, the subscales had lower reliabilities than did the scale as a whole. And, finally, my interests here were not to make fine distinctions in political psychology, but to examine it globally in its relationship to urbanism.[32]

Therefore, the entire set of items was kept together (Chronbach alpha = .84). Initially, this scale was called "Political Futility," for it reflects a sense of futility in affecting government or having it act in desirable ways, but it was later reversed and labeled "Political Efficacy" to make it consistent in direction with the other scales. Some might wish to label it "Political Alienation," but I hope to give that abused term a rest. In many ways, it is the reverse of a "Political Powerlessness" scale,[33] though somewhat more general than Seeman's original definition for "powerlessness."[34] It can, however, be integrated with previous research on that basis.

Factor analysis of the participation items led to distinguishing three factors: (1) a component dealing with expressed interest in politics, attention to the media, and information about political affairs—called the "Political Interest" scale (reliability = .84); (2) a component of items asked after the election about activities during the campaign. (In both these two scales, the variances of the items were standardized and the mean score drawn.) Partly because of great skewness in the responses resulting from low participation, the reliability of this "Political Activity" scale was .56. (3) Voting items came out on a separate dimension. In this case, the simple mean of four questions was taken: "Do you expect to vote?" "Did you vote for President . . . Governor . . . Congress?" (where applicable). The variance of this scale is largely due to the presidential item.

A set of additional questions which would have been useful exists on the S.R.C. tape. As of the time of this research, however, many of these questions had yet to be released to the public.

APPENDIX B

Correlation Matrix

The matrix of correlations using these scales, the urbanism measures, and the control variables, across the entire S.R.C. sample, is provided in Table B-1.

APPENDIX C

Path Analysis

This is hardly the place to provide an adequate explication of path analysis. It can be crudely described, however, as an elaboration of multiple regression procedures which permits one to postulate and then test models of *chains* of causal influences, to demonstrate how antecedent variables can determine effects both *directly*, and *indirectly* through mediating variables. (In other terms, one hypothesizes a model involving sets of recursive equations.) To use the model suggested in Figure 1 as an example: Activity has been regressed on Interest and Efficacy. The resulting equation provides "path coefficients"—which are standardized regression coefficients—of the following weights:

$$\text{Activity} = .36\ (\text{Interest}) + .10\ (\text{Efficacy}) + e_1 \quad (1)$$

R^2 is .16. (e is error, or unexplained variance.) Then, Interest was regressed on Efficacy, resulting in the equation:

$$\text{Interest} = .31\ (\text{Efficacy}) + e_2 \quad (2)$$

R^2 is .10.

The enlightenment this procedure provides is the ability to evaluate both the hypothesized direct and indirect effects of the causal variables. So, in Figure 1, the Efficacy-Activity arrow or "path" indicates a *direct* effect measurable at $\beta = .10$. It also indicates that Efficacy increases Activity *indirectly* through its positive impact on Interest. This is measured by multiplying the two parts of the indirect path: $(.36)\times(.31) = .11$—implying that the indirect effect of Efficacy is about as important as its direct effect. All the direct path coefficients in the figure are significant by the standard convention of being twice their standard error. (The convention is to delete those arrows with coefficients less than that criterion.)

In the much more complex path model indicated in Table 2, each variable is regressed on all those to its left. What is intended to be measured is the *direct, independent* effects (path coefficients, or betas) of the urban variables on the different components of the "dependent variable set."

N.B.: The path analysis used in this article deviates in a few ways from conventional procedures. For example, tables rather than diagrams are presented, and not all the paths are indicated. This is partly a matter of aesthetics, but, more importantly, a matter of purpose. Most uses of path analysis are directed to providing a full, yet parsimonious, stage model explaining a dependent variable. My purpose here, however, was to test the independent relationships between urbanism and certain dependent variables. Path analysis was used because it permitted treating the dependent variables as a causally-linked set. (This is the reason—together with the general 'softness' of the data—that I did not correlate residuals.) Therefore, the reader should *not* consider this a typical use of path analysis, but should instead consult O.D. Duncan, "Path Analysis: Sociological Examples," *American Journal of Sociology*, 72 (July, 1966), 1-16; K. C. Land, "Principles of Path Analysis," in E. F. Borgotta, ed., *Sociological Methodology 1969* (San Francisco: Jossey-Bass, 1969), pp. 3-37.

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[32] For distinctions, see Finifter, "Dimensions of Political Alienation," and J. Aberbach, "Alienation and Political Behavior," *American Political Science Review*, 63 (March, 1969), 86-99.

[33] Finifter, "Dimensions of Political Alienation."

[34] Seeman, "On the Meaning of Alienation," pp. 783-791.

Appendix B; Table 1. Zero-Order Correlation Matrix for S.R.C. Survey, Whole Sample. (Decimals omitted)

Variable	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)
1. Polit. Activity	27	39	21	09	08	07	09	01	09	−07	−02	03	−04	15	−03	01	−01	08	02	−09	25	18	22	−08	−01
2. Voting		41	19	05	01	00	08	12	07	07	−03	05	−18	13	−18	−07	−06	03	08	−05	24	23	25	−22	10
3. Polit. Interest			31	04	05	04	17	20	20	−07	−02	08	−10	26	−08	−01	05	08	04	−12	48	38	36	−12	−08
4. Political Efficacy				05	03	−00	14	02	02	−17	−04	−02	−11	21	−06	06	04	09	−04	−12	35	26	26	−04	−11
5. S.M.S.A. Size					67	65	42	−11	−01	−09	−30	16	−20	15	−28	10	02	−02	−07	−02	12	18	17	11	−12
6. City Size						97	35	−24	−06	−06	−23	15	−08	12	−18	15	05	−12	−09	06	09	09	01	27	−03
7. City Size²							33	−26	−05	−04	−23	18	−07	10	−18	14	04	−12	−08	07	06	05	−02	28	−00
8. Size of Town Raised In								−04	01	−19	−27	18	−23	32	−20	12	06	07	−11	−09	27	26	24	04	−09
9. Race (White)									06	04	−15	07	−30	18	−21	−03	−00	05	08	−02	20	27	24	−23	02
10. Sex (Male)										02	−01	−03	−03	−03	−02	−02	07	07	14	−13	04	01	14	−01	−00
11. Age											12	−03	03	−13	05	−34	−26	−46	46	54	−37	−14	−28	−19	50
12. Protestant												−26	28	−13	28	−08	−03	−02	05	08	−11	−11	−13	−02	08
13. Jewish													−09	14	−08	02	−03	00	−01	−02	10	11	10	03	02
14. Raised in South														−16	68	−02	−02	−04	−00	05	−22	−19	−21	06	−01
15. Father's Occupational Status															−09	11	06	02	−05	−05	45	43	30	01	−14
16. Region (South)																−05	01	−03	02	05	−14	−11	−15	−01	04
17. Young, Unmarried																	−05	−23	−13	−11	17	04	−09	26	−15
18. Young, Married																		−17	−09	−08	13	02	05	10	−14
19. Married, with Child																			−39	−35	15	12	33	−11	−24
20. Married, No Children Present																				−19	−14	−04	−04	−16	24
21. Old, Unmarried or Widowed																					−21	−12	−34	06	28
22. Education																						59	50	−04	−25
23. Occupational Status, Head of Household																							51	−16	−19
24. Income																								−27	−20
25. Rents Home																									−18
26. Length of Time in This City																									

COMMUNICATIONS

To the Editor:

On the Rogow principle (*APSR* [September 1974], p. 1281) two corrections, one on that very page of importance, the other on p. 1001. Does Mr. Miller (p. 1001) have any evidence that fans "became disinterested in baseball because of lack of speed? Nonfans may not have been attracted for that reason, but in good sports towns like Boston and Detroit, has there been disenchantment? One doubts it! The editor should have picked that up.

More seriously, the reference to Einstein on p. 1281 is quite misleading; I don't know whether the journal in which Einstein's article appeared had referees, but David Lindsay Watson (*Scientists Are Human* [London, Watts & Co., 1938]) shows us the theoretical reasons for the extensively documented fact that it can confidently be anticipated that most referees will not evaluate most unconventional articles "on their merits." Watson leads us to think that in science Admiral Lord Fisher's aphorism "favoritism is the secret of effectiveness," applies. Innovative work, for reasons also developed by R. T. LaPiere (*Social Change* [New York: McGraw Hill, 1965]) is pretty sure, generally speaking, to be turned down by established, conventional referees. It is handicapped not only by its intrinsic unconventionality but by the generally relevant circumstance that most original and innovative writers are "imperfectly socialized" in a profession, and so their style, approach, citations, etc., are ordinarily likely to offend the better established members of that profession. In other words, the implication of what I am saying is that no unconventional writer can get judgment on the merits by normal methods of referee selection—Einsteins would hardly ever get by, and even writers who are merely six years ahead or a generation behind the times will have it tough. Look at the experience of Semmelweiss, Lister, Lobachevski, or Riemann in the "hard" sciences for pertinent cases—or early reviews of Lasswell or of the later work of Arthur F. Bentley in this journal.

Fortunately, in a society like ours, with plenty of outlets some fortunate concatenation of circumstances may ultimately get two or three referees who will take risks; or with good luck one can get favoritism on merit. This takes persistence, however, which many original people do not have; and this letter is simply a suggestion to people rudely turned down by referees to keep at it.

My statement is based partly on personal experience; I am surely no Einstein or Riemann, but I may have been five or six years ahead in certain ways. For example, the original version of an article of mine called "The Representative and His District," when finally published, was rejected by this *Review* with the friendly comment that it was a disgrace to the profession that anyone calling himself a political scientist should submit such an article! *Applied Anthropology* (Human Organization) later published it, it has been reprinted or I have received requests at any rate to have it republished about twenty-five times, it is one of the better selling Bobbs Merrill reprints, it is widely cited. Similarly, an article entitled "The Politics and Sociology of Stupidity" was rejected by the *American Journal of Mental Deficiency* with two pages of advice about the serious psychiatric condition which the referee felt I must suffer from; yet it was published in *Social Problems*, has been widely cited, republished, and, I am told, also been influential on several theses and studies.

Of the 80 or so articles I have had published, I believe the modal article has experienced at least six rejections; several have been rejected at least fifteen times (notably "Standards for Representative Selection and Apportionment, "*Nomos*, volume on *Representation*— which has been used by several authors in some detail, and assigned in quite a number of classes).

It is important in sociology of knowledge terms to indicate that *types* of articles are pretty sure to be rejected, precisely because they are unconventional, original contributions. For instance, the typical academic article nowadays is linear in its logic; *a* implies *b*, *b* implies *c*, *d* follows from *c*, etc. But some great writers—Kenneth Burke, Edmund Burke, David Riesman, and, I believe, Richard Hooker—follow a different model; they walk around a set of problems, as though in a circle, looking at the problems now from this standpoint, then from that, etc., etc. Such articles are pretty sure to be turned down; and, I must confess, knowing this, I have weakened some of what I have written, by shifting it from that perspective to the linear approach, to seem more normal.

Lewis Anthony Dexter

Harvard University

To the Editor:

In the March 1974 issue of this *Review* Stephen G. Salkever (in his "Virtue, Obligation, and Politics," pp. 78–92) asserts that the examination of the obligation and virtue conceptions of politics "is as important for students of politics and political philosophy as it is for students of ethics and moral philosophy" (p. 78). Salkever thereupon begins an impressive classificatory account full of historical attributions to the great political philosophers and supporting citations. His aim is to show the prominence that "obligation" and "virtue" have had in the history of political thought: "virtue" being primarily important in ancient political philosophy and "obligation" being of essentially modern significance.

This combination of conceptual analysis, historical examination, and supporting exegesis is standard in contemporary political philosophy. I have no objection to this endeavor *provided* both the political philosopher, such as Salkever, and his readers are clear on what it actually achieves. To mistake preliminary conceptual and historical concerns for the main task of political philosophy or to consider such preliminaries sufficient by themselves is to miss the major point of political philosophy: to make prescriptive and evaluative political judgments *and* to justify them rationally.

Salkever begins his discussion by citing several articles in contemporary moral philosophy and claims to apply the distinction made in that field between the ethics of virtue and the ethics of obligation as it was made by the moral philosopher William K. Frankena (whom Salkever cites on p. 78). But Salkever appears to have ignored the essential justificatory element of contemporary moral philosophy emphasized by Frankena himself in his well-known volume *Ethics* (Englewood Cliffs, N.J.: Prentice-Hall, 1965), which surprisingly is not mentioned by Salkever. In it Frankena states that concern over the *meaning* of terms such as "virtue" and "obligation" is subordinate in importance, and of instrumental value only, to the justification of ethical judgments (see *Ethics*, pp. 78–79).

We perform conceptual analysis for the purpose of clarifying the quintessential problem of normative discourse: the justification of our judgments. Salkever seems to recognize this point early in his discussion when he says that moral philosophers' concern for clarifying "virtue" and "obligation" "may be able to develop arguments to suggest that one or another ethical language is *best* equipped to deal with the broadest range of substantive ethical questions" (p. 78, emphasis added). He asserts several times throughout the article, however, that *all* he claims is that one concept ("virtue") be considered as an alternative to the allegedly dominant concept ("obligation") in modern political philosophy. For example, Salkever writes: "I am not here concerned to provide a conclusive showing of the wrongness of these formulations [based on the concept of 'obligation'], but only to show why it seems advisable to think seriously about alternatives" (p. 91, see also pp. 86 and 92).

Thus, Salkever's essay provides neither an argument for a particular political philosophy nor grounds in support of the largely implicit claim that the concept of "virtue" is as good as or superior to "obligation" as a defining concept for politics. At the conclusion of Salkever's discussion the reader is confronted with the following odd remark: " . . . I have made no effort in this discussion to deal with the epistemological, logical and moral issues which are involved in the question of the justifiability of the paradigm change [from 'virtue' to 'obligation']" (p. 92).

What has Salkever done for us? He has proposed an *admittedly undefended* definition of politics complete with historical lineage as an alternative to the one he claims is widely accepted today. In addition he adds the trivializing claim that "political philosophy *can* be formulated" (p. 85, emphasis added) according to the prescribed alternative. Now what are we to do? Salkever is revealingly silent and terminates his essay before he even raises, much less attempts to illuminate, the essential problem: which concept—"virtue" or "obligation"—should we accept, and for what reasons should we accept it? In "Virtue, Obligation and Politics" Salkever presents the preliminaries without the main bout. After all, the preliminaries are supposed to lead to the main attraction (the problem of justification) which is their *raison d'être.*

A political theorist who proposes the acceptance of a particular conception of politics is responsible for the defense of this prescription and its preferability to competing conceptions. Salkever admits he does not do this and thereby weakens his claim for our attention. Such definitional exercises as Salkever's (and many more I could cite) have obvious consequences. Political philosophers and political scientists are faced with an overwhelming and confusing array of subject matter or field-defining concepts, exacerbated only by the proposal of still more concepts claimed to be "better." These *linguistic* proposals stand alone and apart from the necessary discussion and defense of the *relationship* between conceptual analysis and the main tasks of normative political philosophy, and empirical political science: justification and explanation, respectively.

To argue merely that politics *can* be formulated according to this or that concept is of little importance. We must first achieve the crucial epistemological aims of justification and explanation for normative and empirical political discourse. Contrary to Salkever's limited classificatory aim, we must give greater care and thoughtfulness to the very logico-epistemological issues he chooses to omit (see his quote above). The conceptual clarification thus achieved will indeed aid in the making of better political judgments.

This point about carrying the conceptual analysis and linguistic prescription far enough to be significant for political inquiry holds for both empirical and normative political theorizing. In empirical research the proposal of a particular conceptual framework or schema is not by itself an instance of genuine theorizing, but only "taxonomizing," "classifying," or "typologizing" in the words of one author (A. James Gregor, *An Introduction to Metapolitics* [New York: The Free Press, 1971], p. 171). The proposed framework is useful toward *and used* to achieve the distinctive aims of empirical discourse: to make and test the claims of description and explanation. Thus, the proposal of a conceptual framework is distinguished from the actual empirical assignments made according to it (see Israel Scheffler, *Science and Subjectivity* [Indianapolis: Bobbs-Merrill, 1967], pp. 36–44).

Only the actual assignments are empirically tested. Then and only then can the preferability of a proposed conceptual recommendation be judged rationally according to how it improves the formulation of empirical claims. In short, the proposal of classificatory schemata *per se* without claims of explanation and their tests are literally undeterminable and of no actual (as opposed to potential) use to the empirical political scientist.

This crucial empirical process of concept formation *and* assignment is instructive for normative political inquiry. The mere prescription of a particular concept such as Salkever's discussion of "virtue" is inadequate without reasoned defense of the following: *Why* should we accept the prescribed concept, and more importantly, precisely *how* will this concept help us realize the aim of normative political discourse, i.e., to make and justify normative political judgments? So many linguistic recommendations for various concepts go unused because they are undefended and lack adequate grounds for acceptance. To stop at classificatory conceptual analysis and omit this required discussion as Salkever does is to terminate the discussion of political philosophy just where it *begins* to achieve its point, and is typical of what is wrong with much of contemporary political theorizing: preoccupation with the conceptual preliminaries without ever going on to the main bout of the justification.

I regret to conclude that Salkever's essay makes promises or claims with little or no attempt to fulfill or support them. This occurs because their author is preoccupied with conceptual preliminaries which are only of instrumental value. Works like "Virtue, Obligation, and Politics" lend support to the stereotypical view held by political scientists that contemporary philosophy, including, of course, political philosophy, consists of nothing more than inconsequential word games.

JOEL KASSIOLA
Brooklyn College, City University of New York

TO THE EDITOR:

I understand Mr. Kassiola to be making the following argument:

(1) Salkever is supposed to be doing political philosophy.

(2) Political philosophy is concerned with the formulation and justification of normative judgments, and not with the clarification and classification of normative concepts.

(3) Conceptual clarification is not even useful for justification unless it can show us how to test the validity of normative (evaluative or justificatory) claims, just as a scientific taxonomy is useless unless it can be related to a way of testing descriptive and explanatory claims.

(4) Therefore, contrary to his self-understanding, Salkever is neither doing, nor helping anyone else to do, political philosophy.

I respond:

(1) I do not claim to be doing political philosophy. In my paper I am trying only to show what political philosophy does, and some of the ways in which it does it. I find it difficult to blame myself for the excessive modesty of this attempt, whatever its other shortcomings may be.

(2) Political philosophy *is* concerned with justification in a way that my paper is not, and of course justification is more important than clarification. Unfortunately, however, what is first by nature is not always first for us, a fact which seems to me to be too little known. I value a good clarification much more highly than a poor justification, at least partly because we do not suffer from a shortage of justifications.

(3) "Virtue, Obligation, and Politics" is neither an attempt to present an abstract taxonomy nor an attempt to establish one mode of evaluation as uniquely entitled to our esteem. What I tried to do was to say what the meaning of two modes of evaluation is, both in terms of the epistemological and ontological (or psychological) foundations of those modes, and in terms of their powers of making moral and political discriminations. It is difficult to see how the attempt to clarify in this sense could be identified with the activity of prescriptive taxonomizing. Perhaps the simplest way of putting the difference would be to say that my intention was reflective and interpretive rather then creative.

(4) Justification cannot be understood, much less written, without a thoughtful consideration of the terms involved and the questions asked. While

it might well be argued that the scientific project can proceed very well without such introspection, I would say that political philosophy and its study can not. The problem is that we know too much; we need no one to tell us how "to make and justify normative political judgments." What we need is not assistance in formulating new judgments, but reflection about the significance of the ones we inevitably make.

STEPHEN SALKEVER

Bryn Mawr College

TO THE EDITOR:

It is a pleasure to be associated with Walter Dean Burnham, even if we must share the honor of criticism by Philip Converse (September, 1974). In my own defense, let me plead that I do read *The American Voter*, with the reverence appropriate to a revered text. I seek to avoid following the graven images of straw men, attempt to reconcile disparities in the received wisdom, and fear for my correlations when they transgress the laws of SRC. Nevertheless, like most sacred texts, *The American Voter* did adopt a tone of proclaiming general, not time-specific truths. Its emphasis on the inherent limitations of the mass public, indeed, largely precludes the possibility of a different paradigm of electoral behavior.

The data for *The American Voter* were gathered almost two decades ago. That this work is still worth reading is testament to its original quality, but its authors need not insist on its character as holy writ. An earlier American intellectual, Thomas Jefferson, suggested political revolution every twenty years. Surely innovation in political science can be permitted with no lesser frequency.

GERALD M. POMPER

Rutgers University

TO THE EDITOR:

Robert Forster's review (*APSR*, 68 [June, 1974], 811–12) of my book, *Provincial Magistrates and Revolutionary Politics in France, 1789–1795*, includes six points on which I want to comment.

(1) "He observes 'the absence of a written cahier does not prove that concern and awareness were lacking' (p. 151). But then, what does it prove? This is the kind of interpretive acrobatics that Dawson is frequently tempted to perform . . . ".

Absence of a written cahier might indicate that, as a tactic, preparation of such a document seemed less promising than some more informal means of influencing local political processes; or, since not every fact proves a significant conclusion and since historians ought to avoid interpretive acrobatics, the absence of a written cahier might indicate nothing in particular.

(2) "Is roll-call analysis not feasible for the magistrates as deputies?"

As I said in my book, the National Assembly majority "rejected the idea of publishing or even preserving lists showing how individuals voted in each roll-call vote" (p. 194, with a footnote giving the date of this decision, 9 July 1789).

(3) "It is again unfortunate that the chapter on the 'magistrates as deputies' is based on the letters (475 of them, to be sure) of only two magistrates from the old province of Maine."

The chapter is also based on 105 letters from a magistrate from Lorraine and a total of 117 letters from five magistrates from various provinces and the journal entries of two other magistrates from Poitou (p. 196, footnotes).

(4) "I remain unconvinced that these magistrates were bound by likemindedness in political matters, . . . "

Good. As I said (p. 325), "There were a few active opponents of constitutional monarchy, some of whom fought in royalist armies against the republic . . . Finally, a very small number of former bailliage magistrates were uncompromising, revolutionary republicans."

(5) " . . . and [unconvinced] that regional variation did not play the role it apparently did among advocates."

Good. As I said (p. 254), "Former magistrates were politically strong in a few places, . . . and notably weak in others . . . " and (p. 309) "The smaller the town, the greater the likelihood that a former bailliage magistrate might continue as an influential personage or even occupy office" and (p. 313) "An exceptional concatenation of circumstances could, however, send to the guillotine a substantial proportion of the former magistrates of a particular locality."

(6) Among "a host of a broad sociological hypotheses" seemingly to be found in my book is one "about noble vs. commoner."

This characterization comes strangely from a historian who has (convincingly) argued that "whoever won the Revolution, the noble landlord lost."* At all events, that more than 80 per cent of the members of the *parlements* were noblemen is not a hypothesis but a fact; and that about 90 per cent of the *bailliage* magistrates were commoners is likewise a fact. That the *parlements* and the *bailliages*, in their great majority, were on opposite sides of the political fence in 1789 is also a fact. Causal inferences are always hypothetical, or else false; on this, I suppose, we agree.

PHILIP DAWSON

Brooklyn College, City University of New York

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* *Past and Present*, no. 37 (July, 1967), p. 86.

To the Editor:

Peter Fishburn, in his article, "Paradoxes of Voting" (*APSR*, 68 [June, 1974], 537–546) does a service by opening up discussion on the appropriateness of the Condorcet criterion in making social choices from among three or more alternatives. Fishburn cites two examples in which the Condorcet winner is "Borda-dominated" by another alternative. In one, where alternatives number three and voters seven, three voters declare the rank ordering *ABC*, two declare *BCA*, one *BAC* and one *CAB*. The Condorcet winner is *A*, though *B* has as many first-place votes as *A* and more second-place votes than *A*.

What can be said in support of the Condorcet choice in this case? Well, it might be offered in support of *A* that at least it represents the median-or-better preference of a majority of voters—a not very impressive virtue, since *B* also can claim it, but something nonetheless. The same can be said of the Condorcet winner in Fishburn's other (nine-alternative) example in which 51 of 101 voters get an alternative which stands at or above the median (fifth) position in their orderings. Lest it be concluded hastily that the Condorcet choice in general has this positional property—though indeed it does in the case of three alternatives—I submit the following profile for five alternatives and 15 voters: *ABCDE* (six times), *BDEAC* (twice), *BCEAD* (twice), *BCDAE* (twice), *CEDAB* (twice), *BCDEA* (once). Here the Condorcet winner is *A*. Positionally, *A* has six first places, eight fourth places and one fifth; well over half of the voters are saddled with an alternative which is among the least attractive to them. Alternative *B* has seven first places and six seconds, along with two fifths; thus *B*, which loses to *A*, would have given 13 of the 15 voters an alternative which ranked first or second in their orderings. It is not making too much of recherché examples to see considerable force in Fishburn's suggestion that "some cases which have a simple-majority winner do *not* represent the most satisfactory social choice" (p. 544).

It is to be hoped that Fishburn's lead will stimulate others to investigate alternatives to the Condorcet criterion, whose acceptance has been far too uncritical.

Duff Spafford

University of Saskatchewan

To the Editor:

Jeffrie Murphy (*APSR*, 68 [March 1974] 269–271) labels "intemperate" the comments on my *Political Violence and Civil Disobedience* by Sidney Hook ("brilliant"), Robert Nisbet ("authoritative and delightful . . . the best brief work on the subject"), and, one surmises, by Alexander Bickel ("lucid, comprehensive, compelling"), S. M. Lipset, Joseph W. Bishop, Jr., and Walter Berns. It would be unseemly for me to dispute Murphy, tantamount to contending that I deserve all that praise. But he also charges unclear definitions and arguments, and "[a] incorrect or superficial interpretation of a text, [b] attribution of views to a writer on the basis of inadequate evidence, and [c] ignorance of or indifference to important contributions to the literature . . . " (p. 269). These charges call for comment.

(a) According to Murphy (p. 269), I am "incorrect" in asserting that civil disobedience presumes rejection of Hobbes's view of the "general moral obligation to obey laws" because Hobbes gives individuals a right to self-preservation even when contrary to law. But self-preservation differs from civil disobedience: disobedience to selected laws "for the sake of moral principle." Hobbes's "subjects" can never disobey laws because laws violate moral principles, for (*Leviathan*, chap. 14): "nothing the sovereign . . . can do to a subject . . . can properly be called injustice or injury." The passage Murphy misunderstood (ibid., chap. 21) means that even when agreeing to suffer death, individuals cannot be "obliged not to resist force": *ultra posse nemo obligatur*. Oakeshott may have misled Murphy into deriving the inalienability of self-preservation from the original compact (although the right to nonself-incrimination, similarly granted by Hobbes, could not be so derived). But Oakeshott cannot be blamed for Murphy's confusion of self-preservation and civil disobedience. Draft dodging might be an extension of Hobbesian self-preservation. But I was at pains to distinguish it from civil disobedience.

(b) Murphy complains that "it is by no means obvious" that my reading of Melville's *Billy Budd* is correct. Had it been obvious, I should not have bothered. Murphy does not suggest wherein I misinterpret Melville, but goes on to argue that I did not provide "sufficient evidence for concluding that Melville himself held such a view" (p. 269). I didn't provide any: I interpreted Melville's fiction and claimed no knowledge of his own views. Murphy here appears victimized by defective reading comprehension of my sentence "Melville affirmed . . . in the novel" which he quotes as though it attributes to Melville the views Melville affirms in the novel.

(c) In rejecting Ronald Dworkin's contention that "moral rights" should be accepted by courts to supersede positive laws, I wrote:

> that moral claims may be morally more justifiable than contrary law is neither novel nor problematic . . . the legal force attributed to the claim is (p. 37). Morally the law and the courts may be wrong, and, in the citizen's view, perhaps legally too. But the courts decide legal matters. Citizens cannot overrule the decision of the courts, or disobey with impunity, unless

> the courts are to be shorn of this authority . . . While no court can morally invalidate a moral claim . . . courts exist to establish the legal status of moral claims. They alone can do so (p. 43).

Murphy concludes that I reject "natural" or "moral rights, antecedent to any legally or politically given rights" (p. 269). My text, just quoted, does not support him: I reject legal supersession, not moral priority. Murphy also thinks it "serious" here that I did not mention H. L. A. Hart's views with which Dworkin is in "general sympathy." Hart, however, nowhere claims what Dworkin claims, and need not be blamed for him.

I am also alleged to believe "that the only answer to be found to complex moral issues would be an appeal to some kind of authority" (p. 270) because I wrote that

> theories which set out to resolve the conflict between the moral duty to obey legitimate authority and the moral duty to disobey it sometimes . . . evade the problem when they appeal to the higher authority of reason . . . the problem is not *whether* positive laws should be disobeyed when contrary [to morality but] how to decide *when* they are" (p. 26), and without "an infallible interpretative authority . . . there can be no ultimate operative standard to determine *when* to disobey legitimate authority (p. 27).

Moral cannot replace positive law without a social decision mechanism; with it, moral becomes fallible positive law open to moral claims to supersede it. Wherefore: "the tension between individual conscience and social authority is an aspect of the tension between the individual and the group . . . [occurring] because the moral realm resists full absorption by the legal realm, the individual by the social. We must live with these conflicts" (p. 27). Willfully or carelessly, Murphy understands that moral issues, rather than their social status (policy), must be decided on by social authority(!) and faults me for not discussing "utilitarianism or Kantianism," which offer "criteria for the resolution of moral controversies" (p. 270). (An odd example: utilitarian justifications for civil disobedience are not prominent.) But I wrote: "merely to point to superior [to positive law] standards is to confuse the question with the answer" (as Murphy does), since moral theories do not solve the problem of choosing between them. Murphy is "astounded" here too by my failure to mention articles by Rawls (anthologized by Murphy) and Wasserstrom. I did not mention many meritorious authors. If I missed relevant and important arguments, Murphy does not suggest them.

My definition of violence: "physical force, used by a person directly or through a weapon to hurt . . . destroy or control another . . . " could imply, Murphy writes (p. 270), that a surgeon or dentist uses violence. Physicians do not use "physical force, directly or through a weapon . . . to hurt, destroy, or control" patients. They purport to cure. Murphy fears, however, that reliance on ultimate purpose could mean that policemen are not using violence when hurting offenders because it is not their final purpose. But "physical force" is then "used to control or destroy" which, by the definition Murphy quibbles about, would still be violence.

My stipulative definition follows usage in distinguishing violation (as in cheating) from violence (as in beating) and avoids the current conflation: "To proclaim poverty 'institutional violence' [makes] violence whatever violation one is opposed to—a confused way of registering one's disapproval (p. 65) . . . violence is a physical act, whether it breaks or enforces a rule, just or unjust . . . not a position or condition . . . such as being dead or alive, rich or poor. . . . Some of these conditions can be attained by force . . . not [to] be confused with the conditions it produces" (p. 66). My definition facilitates the analysis of violence as a distinct instrument of political coercion. The purpose of definitions is to make appropriate distinctions.

I favored civil disobedience and political violence in situations I defined and not in others which I distinguished. Nonetheless, Murphy misdescribes my analysis as a "conservative, though qualified, case against civil disobedience and political violence"—perhaps because I agree with Lincoln and Jefferson and disagree with Herbert Marcuse. My conservatism may inspire the overtones of animosity, but not the shoddiness of Murphy's arguments to which I cannot hope to do justice. I am distressed, though, by a verbose and captious review that does not remotely suggest (1) the argument of *Political Violence and Civil Disobedience;* (2) wherein I am wrong in what I actually wrote. Even a hatchet job could have done so.

ERNEST VAN DEN HAAG
New York University and
The New School for Social Research

TO THE EDITOR:

After admitting that it would be unseemly for him to insist that his book really deserved all the praise I had said was intemperate, van den Haag then goes on to list even more well-known people who admired his book. This strikes me as a rather odd, perhaps even inconsistent, conception of seemliness. However, on the assumption that readers of *APSR* are well aware that a wide following and famous sponsors are not tests of truth, I have not attempted to compile a tedious laundry list of persons who thought that my negative review of van den Haag's book was justified. I shall instead confine myself to the points of substance raised in van den Haag's letter.

(a) I am quite aware (who isn't?) that self-preservation is different from civil disobedience, but this distinction had nothing whatever to do with my disagreement with van den Haag's interpretation of Hobbes. On page 15 of his book, van den Haag asserts that Hobbes rules out "*any* qualification" (italics mine) on the obligation to obey the law. In Chapter XXI of *Leviathan*, however, Hobbes allows self-preservation to function as a qualification; and thus van den Haag's claim is clearly false. Van den Haag is certainly correct in saying that Hobbes argues that subjects must never disobey a law because that law violates a moral principle. However, because Hobbes rejects *that* qualification on the obligation to obey the law, we may not infer that Hobbes rejects *any* qualification on the obligation.

(b) Van den Haag's understanding of the English verb "affirm" is, to say the least, highly idiosyncratic. For he suggests that his claim that Melville affirmed a certain view does not commit him to the claim that the view may be attributed to Melville. According to Webster's Third International, "to affirm" is "to state positively or with confidence as a fact, to assert to be true." Surely I am at least *prima facie* justified in attributing to a man a view he has asserted to be true. To do otherwise, indeed, would be to regard him either as a liar or as someone who does not understand the conventions of the language he speaks. What van den Haag should have said, of course, is not that Melville affirmed a certain view in the novel but rather that one of Melville's *characters* affirmed the view.

Ignoring the issue of Melville's own views, however, it should be obvious to any sensitive reader of *Billy Budd* that the "point" of the story is not a presentation of the view that individual rights may legitimately be overridden for the sake of *raison d'état*. Rather it is primarily a portrayal of the character of a genuine moral dilemma (i.e., an unavoidable moral choice between A and not-A where [i] there are important moral reasons in favor of both A and not-A, [ii] these reasons are in some sense equally balanced, and [iii] there is no rational decision procedure for choosing between the competing reasons) and the personal anguish experienced by a morally sensitive person (Captain Vere) faced with such a dilemma. To suggest that there is some clearly right answer to the problem torturing Vere is to miss the entire point. (For an extremely sensitive philosophical discussion of these issues in Melville's *Billy Budd*, see Peter Winch, "The Universalizability of Moral Judgments," *Monist*, 49: 2 [April, 1965], 196–214.)

(c) Van den Haag (on p. 37 of his book) claims that talk of natural rights and moral rights is "a decently obscure, but otherwise unsupported and puzzling return to natural law and natural rights theories, leaving unsolved all the problems that led Bentham, John Stuart Mill and Austin—let alone later jurisprudence—to discard these theories." What he fails to acknowledge is that a great deal has gone on in philosophy since these 19th-century critics wrote, and thus a person who has followed contemporary work might not find the concept of natural rights or moral rights so obscure. At any rate, one must *confront* the contemporary work before rejecting it. It simply will not do to haul out some 19th century clichés (e.g., Bentham's famous claim that talk of natural rights is "nonsense on stilts"), and that is why I thought the article by H. L. A. Hart worth mentioning. Hart is perhaps the most distinguished representative of what van den Haag calls "later jurisprudence," and it is clear that he does not reject the notion of natural and moral rights.

A respect for contemporary work also prompted my suggestion that John Rawls's *A Theory of Justice* (esp. Chapter VI where civil disobedience is extensively discussed) should be considered by anyone who desires that his discussion of civil disobedience have a contemporary philosophical relevance. Rawls has provided a systematic theoretical framework in which to discuss issues like civil disobedience. This framework is of such power and sophistication that simply to ignore it is to be intellectually obtuse—rather like writing on DNA and ignoring the work of Watson and Crick.

Two final points: (1) My quarrel with van den Haag's definition of "violence" was *methodological*, not substantive—i.e., I wondered if he was sensitive to the difficulties involved in analyzing emotively charged terms which become, for a variety of reasons, detached from fixed rules for exact usage within the language and thus tempt a writer to stipulate (perhaps for ideological reasons) in the guise of describing. Since van den Haag's letter does not reply to this methodological point, my wonder remains—as does my suspicion that van den Haag succumbs to the noted temptation. (2) I believe that I can sincerely assure the reader that my "overtones of animosity" were not inspired by van den Haag's "conservatism." Some "conservative" (or, if you prefer, "classical liberal") writings (e.g., F. A. Hayek's *The Constitution of Liberty*) are, in my judgment, genuine intellectual and scholarly achievements that deserve the kind of praise that van den Haag's book has received. Thus conservatism *per se* does not arouse my animosity; only bad arguments, sloppy analysis, and indifference to important literature do that.

Jeffrie G. Murphy

University of Arizona

To the Editor:

D. B. Johnson and J. R. Gibson, in their "The Divisive Primary Revisited: Party Activists in Iowa" *The American Political Science Review*, 68 (March, 1974), 64–74, have attacked a perennial issue in an imaginative manner. It seems to me, however, that they have made several errors in logic which detract considerably from their methods and conclusions.

The authors present their data indicating that three-quarters of those primary workers who supported losing candidates became less active in the autumn, as " . . . confirming the assumption that there is a loss of talent to the overall campaign effort after a divisive primary" (p. 72). That 60 per cent of those who supported primary losers intended to split their ticket in the general election is also brought to support the premise of the divisive nature of primary elections (p. 73).

In addition, further "evidence" for the authors' conclusion is brought from data indicating that large numbers of those who supported primary losers would either not support the party's candidate in the fall, not vote at all, or vote for the opposition. The authors conclude: " . . . (the) data confirm some divisive effects of the direct primary election . . . " (p. 76). Particularly, " . . . confirming the frequently made but previously unsupported assumption that the loss of working talent to a party after a primary is substantial . . . " (p. 77).

By and large, Johnson and Gibson have made the ancient logical error of confusing association with causation. They state or imply that the loss of party workers in the general election is a result of the divisive primary. That their data indicate such a loss of talent is clear. That this loss is due to the primary election is much less clear. Such a conclusion would require that these self-same workers would have been active in the general election for the winning candidate had there been no primary but " . . . were so embittered by the outcome of the primary election that they bolted . . . " (p. 77). This is an erroneous proposition at best. It may well be that had their favorite not entered the primary, these supporters would never have been involved. Once their candidate was defeated they either lost interest or became active in other races (as indeed 56.9 per cent did—see Table 4, p. 74). The loss of party activists after the primary, therefore, need not at all have been the result of the primary per se. Perhaps one ought not refer to this as a loss to the party, for the party cannot lose that which it never had.

Interestingly, the data presented in the article seem to confirm the proposition that those who dropped out of the campaign after their candidates lost in the primary election did so for reasons other than bitterness and the divisiveness of the primary itself. In the first instance, most of those questioned were introduced to the campaign either at the candidate's request or their own application. Only 16 per cent were introduced by the party (p. 70). This implies a strong personal commitment to a given candidate from the outset. It also implies an involvement whose motivation will naturally end with the candidate's defeat irrespective of any properties inherent in the nature of a primary. No doubt the authors might have tested this proposition by simply asking respondents whether they would have been active in the campaign had their candidate not entered the primary. The given data imply that they might not have.

In addition, Johnson and Gibson offer a description of those supporters of losing candidates who have been alienated (the authors refer to them as "bolters") by the effects of a divisive primary. They are largely "political amateurs" with weak party affiliations. What, then, should be expected of such activists when the object of their activity—their chosen candidate—is defeated. The loss of such workers is far more likely to be the result of their motivation than of the primary. Indeed, it is surprising that any of them stay at all! It should be noted that Johnson and Gibson make weak reference to such a contingency in two brief, post-hoc sentences (p. 76) and then continue on their predetermined path, ignoring some of the evident implications of their data.

Finally, the above comments are not meant to question the divisive characteristics of a closely contested primary election. It may well be that a primary does cause bitterness, alienation, and a subsequent loss to party organization and unity. However, Johnson and Gibson—no matter how imaginative their approach or meticulous their statistical computations—cannot confirm this " . . . frequently made but previously unsupported assumption . . . " with their data.

David J. Schnall
Staten Island Community College,
City University of New York

To the Editor:

The erroneous assumption underlying David Schnall's letter seems to be that the activists who worked for the candidates in our study were not necessarily party members, that they were merely friends recruited by the candidates—persons who would not have been involved in the campaign if these particular candidates had not been running. This is incorrect; we acknowledged that primary campaign organizations frequently are candidate organizations, but this certainly does not mean they were made up largely of workers unaffiliated with the parties in Iowa.

The facts were, as the data on page 69 revealed, that the respondents identified themselves as partisans on 95.6 per cent of the questionnaires returned. In a state in which nearly half of the voters now classify themselves as independents, our activists were an extremely partisan lot. They included the Republican National Committeeman, several county chairmen, precinct committee persons, prominent labor leaders active in the Democratic Party, and some former members of the Iowa General Assembly.

The data indicate not only that there were a large number of party identifiers mentioned above, but also that even among the losers, 43.4 per cent of the workers had been active in the party more than six years. Sixty-three per cent had worked in at least one previous campaign. And, among the bolters, more than half had previous campaign experience. Moreover, among the losers, 76.2 per cent, and among the bolters, 72 per cent, asserted that they intended to be as active or more active in the future. To be sure, this could mean a minimum of activity, but that would not square with the original identification of these persons as the most active for the candidates in each county. It did not surprise us that most of the workers did not say they had been *recruited* by the party. Iowa party officials have a tradition of avoiding official open recruitment of workers in primary elections. Finally, the data revealed almost no differences between the winners and losers (35.9–36.5 per cent) or the bolters (33.3 per cent) and the nonbolters (36.5 per cent) in terms of future willingness to take a more responsible position *in the party* at some future time. The assertion in the letter that when some workers defected after the primary it was not a party loss is unwarranted.

In view of these facts, the writer of the letter, by claiming that in order to reach our conclusions, we should have asked our "respondents whether they would have been active in the campaign had their candidate not entered the primary," misunderstood our intentions. We sought to determine what happened to partisan activists after they worked in hotly contested primaries. The persons in our universe, as noted above, were identified by the candidates as their most active, or among the most active, partisans in each of 12 counties. Our methods, we think, were empirically sound. It was not essential to the study that they be persons who would have participated in the campaign under other circumstances. If we had not questioned the party members working for Mezvinsky, Schwengel, Albrecht, Stanley, and Strout, we would have interviewed those working for candidates *A*, *B*, *C*, *D*, and *E*, or whoever ran in the primary under investigation.

What we found was that all workers who had participated in the primaries reduced some of their activities in the autumn general election, but that workers who had supported candidates who lost in a primary performed far fewer campaign activities in the general election than those who had worked for winners. In addition, some of the activists in each party refused to work for the winners of the primaries, some decided to split their tickets, some worked elsewhere, 12 per cent were sufficiently alienated to vote for their previous opponents, and 21.3 per cent worked for the opposing party in November. Thus, we drew conclusions about a divisive primary. Frankly, we can't fathom why that should imply that they would have had to work in the primaries even if other persons had been the candidates.

Concomitantly, with reference to the fourth paragraph of the letter, we believe our data clearly indicate that a loss of talent to the party as we defined it occurred. Our candidates had partisan workers, and when some of those who worked for the losing candidates subsequently temporarily rejected the party to which they had given their efforts, this was a loss. Mr. Schnall suggests that such defection was due to an end of a personal commitment and a loss of "motivation" rather than to the "primary." But this loss would not have taken place had there been no primary in which the partisan workers could have become disenchanted. Of course motivations change. One of the tasks of political scientists is to relate institutional arrangements to individual behavior and that is what we have done. Because of the outcome of the primary, individuals altered their patterns of behavior. There is nothing illogical about this inference. Schnall's argument ignores the intentions mentioned above, of workers for losers to participate in future campaigns and also their willingness to take more responsible positions in the party. To reiterate, there was almost no difference in this ambition among partisans working for winners, losers, bolters, and non-bolters.

We appreciate that the letter writer found our approach imaginative and our statistical computations meticulous, and we will stand by our modest statement that our data confirm some divisive effects of the direct primary election. Nothing in the letter convinces us that we should do otherwise.

DONALD BRUCE JOHNSON
University of Iowa

TO THE EDITOR:

Those of us who toil in the vineyards of Public Administration can only applaud the gradual attempt of *APSR* to renew its connection with us. Larry B. Hill's effort in the September 1974 *APSR* is, unfortunately, almost typical in its failure to come to terms with the logic of its own argument. The result is a fundamental contradiction easily outlined.

Purporting to offer an "authority-based conception of institutionalization," the author begins by emphasizing *offensive* capability, specifically relating his conception to Braibanti's; to be successfully offensive, an institution must be able to "propel" its own norms into other institutions. This comes close to some old definitions of power, those which highlight the ability of one actor to compel another to do what he would otherwise not do. Almost immediately, however, Hill retreats from this definition to another, that of a "shared normative framework" among institutions (p. 1076), an approach which concludes that ombudsmen have "little real power" (p. 1084) and that departments never view an ombudsman "as a dangerous enemy" (p. 1083). This second view dominates the article, so we must go further if we are to unravel what Hill is saying.

If, as he notes, institutions are organizations which become valued for their own existence, the essence of the Selznick approach, then a "shared normative framework" *must* mean widespread acceptance of the norm of *mutual survival;* ombudsmen and other agencies simply assume, and tacitly agree, *they will not threaten each other's existence* (*value*). Most certainly, cooperation becomes "an important index of the ombudsman's institutionalization" (p. 1085), but this can only mean cooperation in achieving the goal of mutual survival. It follows immediately that assistance to clients becomes a very subsidiary value, if it is a value at all. To put it another way, why shouldn't agencies be "prompt" in responding to ombudsmen (p. 1082) if they share an understanding that the latter will *not* be "offensive?"

Now if institutions and institutional leaders function within this shared normative framework of mutual survival, relationships among them can hardly be defined in terms of power and/or authority. People who share a given norm are likely to agree in the first place, so we must ask what Hill can possibly mean by the phrase "authority figure" as applied to ombudsmen? The only logical explanation is that ombudsmen and agencies, taken together, are "authority figures" *in relationships with clients but not with each other.* Reduced to its bare outline, then, Hill's conclusion is that the power elite is alive and working well. So what else is new?

The intellectual tragedy is that Hill doesn't seem to notice any of this. He states on p. 1082, e.g., that "it could have been predicted that in a first rush of crusading zeal," ombudsmen would be very threatening to agencies; his own analysis would indicate precisely the opposite. Any "new" institution interested in creating the expectation that it shares the value of mutual survival (p. 1076) will become anything but "crusading," and nobody should predict otherwise (new nation-states often emphasize their own neutrality so as to avoid offending powerful neighbors). To the extent the institutional approach is valid, it demonstrates the poverty of conventional pluralism. As Galbraith has convincingly argued on the economic side, private institutions exist for their own purposes, not those of their customers. On the public side, it is nonsense to assume institutions represent their clients; the function of the latter is only to contribute to institutional survival.

FREDERICK C. THAYER
University of Pittsburgh

TO THE EDITOR:

When you sent me a copy of Mr. Thayer's letter concerning my article in the September, 1974 issue of the *APSR*, I began to read with some trepidation. I recognize that my own judgments about the ombudsman are fallible—even after spending ten years researching and writing on the subject, as are those of the *APSR*'s editor and his referees, and those of the very helpful group of people whose assistance I acknowledged in the article. And if a reader of the published article had noted flaws serious enough to warrant the writing of a lengthy critical letter to the editor, surely this was cause for worry. A quick reading of the letter did not mollify my fears, for I found great difficulty in making heads or tails out of what Mr. Thayer was saying and how it might relate to my article. It was only after reading over the letter several times that I was able to understand it sufficiently to be able to formulate a response.

Mr. Thayer's first sentence puzzled me: I knew that the *APSR* has not concentrated upon the field of public administration, but I was not aware—as Mr. Thayer's letter implies—that the *Review's* connection with P.A. had been severed at some point in the past so that my article assumes additional importance as a step in the reunion of the two. But Thayer's next sentence delivers the zinger; my article is, he says: "unfortunately, almost typical in its failure to come to terms with the logic of its own argument." In passing, I wonder what my article is "almost typical" of—of articles in general, of public administration articles, of those published in the *APSR?* When I learned in the paragraph's last sentence that my "fundamental contradiction [can be] easily outlined," I approached the remainder with fear and trembling.

Fortunately, for me, Mr. Thayer's bark is much worse than his bite; I never did find the promised outline. His technique is to take several of my statements and then draw conclusions, which usually are quite bizarre. Because his attack muddles so many of my points in such detail, I shall have to set the record straight and analyze at least the first parts of the letter at some length.

As an aid to those who try to decipher Mr. Thayer's letter, I shall briefly report at the outset my understanding of his basic critique. The letter contains so many emotionally charged words linked together in dogmatic fashion, that it appears to be a frontal attack on my article. In the main, however, it is not. My article is an empirical study of the institutionalization of ombudsmen as measured through behavioral interactions with government agencies. As I shall indicate, Thayer misunderstands much about my conception of institutionalization, but he does not challenge my methodology or the accuracy of my observations or reporting. Instead, he concludes from the results of my research that the ombudsman is a tool of the "power elite," and this is what he complains about. He is, of course, entitled not to like the ombudsman. It was not my purpose, however, to tout the institution as a panacea for bureaucracy's ills (see the article's final paragraph, p. 1085), but I do think that the rationales which Thayer gives for his conclusions are erroneous.

Let us refer to his second paragraph in which Mr. Thayer asserts that I offered two definitions of institutionalization. My first alleged definition emphasized power in the sense of compulsion; the second, according to Thayer, retreated to an approach featuring a "shared normative framework" among institutions.[1] What I actually did was to stress the importance to an organization of building *authority relationships* with environmental actors in order to become institutionalized. "Through the exercise of whatever resources of power and influence are available," I said, the successful organization "succeeds in establishing itself as an authority figure" (p. 1076). I immediately elaborated upon that conception:

> This is not to imply that the successful organization, the institution, exercises anything like sovereignty over its environment. Minimally, it does mean that the legitimacy of its existence is acknowledged. Furthermore, the institution has created the expectation among the environment's members that its actions and demands will fall within the boundaries of a shared normative framework, so that predispositions toward at least negotiated compliance are established.

I hope it will be clear to careful readers that I talked about a new institution's "demands" and of "negotiated compliance" within a "shared normative framework." These statements were an exposition of my earlier discussion of an authority figure having "offensive capability." They do not constitute a retreat from a previous definition, which I never presented, to a new one, to which I do not subscribe. Mr. Thayer wants to create a simplistic dichotomy between (coercively) powerful institutions and impotent (in this instance coopted) institutions. In doing so he misses completely one of my major points, which was to utilize such venerable political concepts as authority, influence, and legitimacy in analyzing the ombudsman.[2] I can only regret that these subtleties escaped him.

The if-then sentence which begins Thayer's third paragraph happens to be wrong. "Institutions are organizations which become valued for their own existence" is a statement of Selznick's; I never said it. (Nevertheless, although, as I have said, I prefer a more political, offensive approach, the statement has much to commend it.) The ridiculousness of Thayer's critique is epitomized in his statement: "Now if institutions and institutional leaders function within this shared normative framework of mutual survival, relationships among them can hardly be defined in terms of power and/or authority." Does the fact that the President, the Congress, and the Supreme Court do not usually threaten each other's survival indicate that one cannot define their relationships in terms of power? Of course not! And because it is no part of the ombudsman's mission to threaten the existence of government agencies, that does not mean that he is unable to develop authority relationships with them. Enormously wide opportunities for disagreement and the exercise of power and the development of authority remain.

In fact, one of the most remarkable aspects of the ombudsman institution is its general success—despite its very low coercive powers—in getting agencies to respect it as an authority figure and to do what it wants. This is clear in interviews with civil servants[3] and in measuring the institution's impact. In New Zealand, for example, I recently have determined that the ombudsman has been responsible for at least 167 administrative reforms over a decade. Some of these have been mainly of a procedural nature, but the majority (87) have involved substantive policy matters.[4]

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[1] Parenthetically, it is not, as Thayer contends, the latter approach which led me to the conclusion that ombudsman have little real power; that is simply an empirical circumstance based upon their legal limitations. A further point of fact: I did not say that departments "never" view the ombudsman as a dangerous enemy; there are times when they have done so, and I have written about such cases.

[2] For a more extensive treatment than is provided in the article under discussion of the relationship of the ombudsman to these concepts and for a citation of much relevant literature, see my article: "The New Zealand Ombudsman's Authority System," *Political Science*, 20 (September, 1968), 40–51.

[3] See Larry B. Hill, "Affect and Interaction in an Ambiguous Authority Relationship: New Zealand's Bureaucrats and the Ombudsman," *Journal of Comparative Administration*, 4 (May, 1972), 35–58.

[4] Chapter 8 of my unpublished manuscript, "The Model Ombudsman: New Zealand's Democratic Experiment."

Thus, the ombudsman is not just, as Thayer alleges, a "power elite" tool which has been coopted by established government agencies. Why ombudsmen generally seem not to have suffered greatly from goal displacement is a fascinating question. Possibly the most important explanation for the phenomenon is a structural one. The ombudsman's investigation of complaints from clients is always to some extent an adversary process. There are few opportunities to build a cozy relationship with the government agencies whose activities he is charged with monitoring. Unlike the American regulatory agencies, for example, he is not involved with dispensing benefits to those whom he is to regulate or with basic policy making.[5]

The final Thayer absurdity I shall confront is his conviction that serving clients can not be very important for ombudsmen because the institution does not threaten the existence of government agencies. In his last sentence he even says of public institutions in general that the function of their clients "is only to contribute to institutional survival." My article in question deals with a rather different subject, but I referred in it to my papers, obviously not consulted by Thayer, which deal with clientele relationships. Ombudsmen are concerned with helping clients—although not to the extent that some social workers who confuse the ombudsman with client-advocacy institutions believe to be the case, and they do actually help large proportions of their clients. Nevertheless, the ombudsman's output goal is not solely to serve clients. Helping clients often could be accomplished only by sacrificing other values, such as administrative fairness. The ombudsman is an *impartial* investigator, and one of the functions he performs is to tell clients when they are wrong. Would Thayer acknowledge that administrative agencies often are in the right, that clients sometimes are confused or wrong, and that saying so would be in the public interest? I pose this rhetorical question because his statements about client-agency relations have a stridently polemical ring.

Speaking personally, I believe that many public agencies are too often insufficiently sensitive to their clients' interests, and this is a principal reason why the ombudsman interests me as a research topic. My findings have convinced me that the ombudsmen I have studied have become institutionalized: they have succeeded in the very exacting task of developing sufficiently strong authority relationships with public agencies so that they can perform their missions. According to my own social calculus, these officials appear to have helped sufficient numbers of clients and inspired enough administrative reforms to be well worth their relatively small political and financial costs. The ombudsman is, however, definitely a reformist-liberal institution. I realize that some may perceive the institution as a threat because it might help ameliorate clientele-bureaucratic relationships and thus tend to forestall revolutionary changes.

LARRY B. HILL

University of Oklahoma

TO THE EDITOR:

The alertness of *APSR* Editors for people "seizing an occasion for self-advertisement" (September, 1974, p. 1282) by complaining about unfavorable book reviews is commendable. I share their concern and find my present role as complaining author of *Austrian Neutrality in Postwar Europe* (review, June 1974) distasteful, if not degrading, and certainly not self-advertising. But is it better to sit still in the face of a review which uses the occasion for advertisement of an ideological stance and preferred theories instead of dealing with the theory and substance of the book itself?

What little mention the review gives the book's contents is both literally and substantively incorrect. First it is asserted that I call the book "a case study," whereas it is explicitly described (pp. 6, 138, 140) as a series of separate case studies formed by four of the seven chapters. The case studies, each ended by a separate set of numbered conclusions, are linked by an explicit framework explained in the introduction. By missing the difference between one case study and four separate ones, the review makes it appear that the work lacks the conceptual framework which the reviewer chooses to ignore, and that the book addresses itself to a different question than that preferred by the reviewer.

Citing Charles O. Lerche's and William Y. Elliott's ideas (pp. 3–4, 139), I adopted the postulate that one of the essentials of "nation" is a national myth. Further I do assert as an assumption on which the research question of the work is based, not as a conclusion to that research (or "final proposition" as the review claims), that "Austrians must accept and understand neutrality as a vital part of their *mythos*." The reviewer is free to disagree with that assumption, but he is not free to misrepresent it as a conclusion. In fact the book addresses itself, as stated in its subtitle *Domestic Roots of a Foreign Policy*, to the extent to which value components of neutrality have struck root in Austrian politics. To probe those roots requires evidence which I attempted to gather and present. It is difficult to see what Frei's theories, Soviet doctrine, and elaboration of all other matter which appears to interest the reviewer, could contribute to that specific task. I would have welcomed critical examination of the evidence and the inferences drawn from it—it is vulnerable enough and the reviewer is well qualified. In other words, it would have been useful to have had the book be reviewed, rather than to have been faulted for not writing some other book addressed to different questions, based on different theories, and for coming to conclusions affirming very different ideological values from those apparently held by Konrad Ginther. These are revealed when he unfurls his Cold War colors and trots out the tired zero-sum litany equating peaceful coexistence with Soviet expansionism. In this, neutrality is somehow discredited because Soviet rhetoric gives it a place in its strategy.

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[5] For a lengthy elaboration of these matters see Chapter 2 of my forthcoming book, *Ombudsmen, Bureaucracy, and Democracy* (New York: Oxford University Press, 1976).

THOMAS O. SCHLESINGER
Associate Professor Political Science

TO THE EDITOR:

There is a basic disagreement between Professor Schlesinger and me both about what matters if the issue of permanent neutrality is raised with regard to Austria and about whether such a disagreement should be made the basis of the review of a book dealing with the *domestic roots* of Austria's foreign policy.

First I want to reaffirm the legitimate right of a reviewer to state his view that a book misses the essential point. Second, speaking of the Soviet doctrine of peaceful coexistence in terms of a national mythos as used by a Great Power herself should not be confused with cold war mentality; especially not by an author who accepted for his research question that a state needs an "image of its national mission" (p. 3) or a *mythos*, which he described with the words of W. Y. Elliot and N. A. McDonald as "an emotional attachment to historical origins, past sufferings and glories, and to common traditions, as well as to future hopes and fears" (p. 139).

Third, especially in view of the last words of this quotation and of present-day controversies in Austria, to deal with Austria's neutrality as a national mythos without regard to the issue of peaceful coexistence as the national mythos of a Great Power very close to Austria, but to deal instead, for example, with Austrian minority and border problems at length, means to miss the essential point in the discussion of permanent neutrality in postwar Europe, at least as far as Austria is concerned.

KONRAD GINTHER

EDITORIAL COMMENT

Bad Times. Readers of the *APSR* are no doubt aware that we are living through inflationary times. Prices are up—sometimes way up. Food costs are up. Energy costs are up. Transportation is up. All these new demands upon our resources have come uninvited. Moreover, there is very little we can do about them.

Not so with respect to dues in the American Political Science Association. Here the Association constitution comes to the rescue. We cannot vote to halt the rise of the price of candy bars or canned peaches. But we can vote no on the price of belonging to the APSA. Any dues increase must be voted not only by the administrative committee and the Council but also by the membership at large.

How does this affect the *APSR?* The greatly diminished size of the current issue is one answer. In addition, we have had to make other painful adjustments, in effect erasing the gains we made on our backlog over the last year. Articles that had been firmly scheduled for early issues have had to be pushed back into later ones. Space for book reviews has been sharply curtailed. Our capacity to do the job we believe ought to be done in behalf of scholarly communication in our discipline has been—we hope only temporarily—eroded.

Of course we are not the only sufferers. The November issue of the *Bulletin of Atomic Scientists* announces that unless new sources of money are found, they will have to go out of business. Only slightly less gloom and doom from the editor of *Science*. "This year," he says in the issue of 22 November 1974, "costs of paper have risen more than 30 per cent. Other costs, such as printing and mailing, have also gone up."

So have they for the *APSR*. Moreover, as the editor of *Science* wisely points out, the demand for scholarly publications by libraries (our big source of income) is not perfectly elastic. As publishers—who are our main advertisers—put out fewer new books, their hunger to appear in our pages is more inexpensively satiated.

And so, sooner than any of us wants, responsibility for the continued success of scholarly communication in our discipline comes to rest where, to be sure, it belongs: with political scientists. We have written many times that the *APSR* makes about as much money as it spends, without adding the individual dues of members into the equation. In future years, it seems likely that this will be less true than it has been in the past. And political scientists will have to ask themselves not only what a life of scholarship and a community of scholars is worth to them but how much.

Review Symposia. We have had to cut back drastically in other parts of the current issue but we have persisted in our plan to present three review symposia. Each discusses a publication of major importance to political scientists, and it was our judgment that the contribution each symposium makes to ongoing discussion in the discipline about *A Theory of Justice*, *The Pentagon Papers*, and *Time on the Cross* justified publication as promptly as we could put the pieces together. One symposium, on John Rawls' *A Theory of Justice*, was well over two years in the making, and includes both articles that came to us unsolicited and essays that we requested as we normally do for book reviews. Each essay, whether solicited or not, was evaluated anonymously—and in some cases, as the authors will acknowledge, exhaustively. Moreover, Professor Rawls was offered the hospitality of our pages for a response in this issue, which he declined. We hope readers agree with us that the review symposium is a useful way to acquaint themselves with the issues associated with significant contributions to politics and political science.

Looking Sideways. Ever on our toes, we have been keeping tabs on the prosperity and the management of various journals situated similarly to ours. Over the months we have built up a stock of lore about how different journals do things differently. The Joy of Publishing, we call it. For example, the American Psychological Association puts out a whole raft of journals, whose production is dominated by a huge central staff of professional editors. Professional psychologists get to influence the contents of these journals all right, but their discretion is sharply circumscribed by orders from headquarters.

The *American Historical Review*, a truly handsome and beautifully edited journal, is the responsibility of a historian who devotes his entire time to it along with eight other full-time staff. This staff provides an ambitious bibliographic service, and produces a fat publication five times a year which includes pictorial illustrations, and a very large number of book reviews (about 1200 annually, as compared with our 500+). On the other hand, the *AHR* is typically light on articles—ordinarily three to five an issue, selected from perhaps 200 or so manuscripts. Our traffic in prospective articles is nearer to 500, and 40 or 50 see print annually. Although our results are roughly comparable, the "inputs," as some of our brethren in the profession say, are quite remarkably different. To do—more or less—the work done at the

AHR by nine full-time employees, the *APSR* employs two full-time employees and four (sometimes five) part-time.

For some years we have been wondering why we haven't been able to get books out for review faster, why our scholarly output has been dwindling, why all that paper has been piling up at the office, and why we are so tired when we go home at night. Historians, who perforce take a longer view of such matters, seem to have already figured out the answers to some of these questions, and done something about it.

Articles Accepted For Future Publication

Joel D. Aberbach, University of Michigan and Bert A. Rockman, University of Pittsburgh, "Clashing Beliefs Within the Executive Branch: The Nixon Administration Bureaucracy"

Paul R. Abramson, Michigan State University, "Generational Change and the Decline of Party Identification"

Christopher H. Achen, Yale University, "Political Belief Systems in Mass Publics: The Problem of Inconsistent Opinion Survey Responses"

C. Arnold Anderson, University of Chicago, "Conceptual Framework for Political Socialization in Developing Societies"

Neal Andrews, Wayne State University, "Integration and Community in Communist Theory"

Francisco Arcelus and Allan H. Meltzer, Carnegie-Mellon University, "The Effect of Aggregate Economic Variables on Congressional Elections"

John A. Armstrong, University of Wisconsin, "Mobilized and Proletarian Diasporas"

Richard M. Bank, University of California, Santa Barbara and Steven R. McCarl, University of Denver, "Virtue, Obligation and Politics: Revisited"

Jonathan D. Casper, Stanford University, "The Supreme Court and National Policy Making"

Roger Cobb, Brown University, Jennie-Keith Ross, Swarthmore College, and Marc Howard Ross, Bryn Mawr College, "Agenda Building as a Comparative Political-Process"

David Collier, Indiana University, and Richard E. Messick, Office of U.S. Senate, "Prerequisites Versus Diffusion: Testing Alternative Explanations of Social Security Adoption"

Fred R. Dallmayr, Purdue University, "Beyond Dogma and Despair: Toward a Critical Theory of Politics"

Geoffrey Debnam, University of Otago, "Nondecisions and Power: The Two Faces of Bachrach and Baratz"

John P. Diggins, University of California, Irvine, "Four Theories in Search of a Reality: James Burnham, Soviet Communism, and the Cold War"

George Edwards, Tulane University, "Presidential Influence in the House: Presidential Prestige as a Source of Presidential Power"

Norman I. Fainstein, Columbia University and Susan S. Fainstein, Rutgers University, "The Future of Community Control"

Robert C. Fried, University of California, Los Angeles, "Party and Policy in West German Cities"

Norman Frohlich, University of Texas, "The Instability of Minimum Winning Coalitions"

Richard Funston, San Diego State University, "The Supreme Court and Critical Elections"

Benjamin Ginsberg, Cornell University, "Elections and Public Policy"

R. Kenneth Godwin and W. Bruce Shepard, Oregon State University, "Political Processes and Public Expenditures: A Re-examination Based on Theories of Representative Government"

Fred I. Greenstein, Princeton University, "The Benevolent Leader Revisited: Children's Images of Political Leaders in Three Democracies"

Fred W. Grupp, Jr., University of Connecticut and Allan R. Richards, Louisiana State University, "Variations in Elite Perceptions of American States as Referents for Public Policy Making"

Susan Blackall Hansen, University of Illinois, Urbana, "Participation, Political Structure, and Concurrence"

Fred M. Hayward, University of Wisconsin, Madison, "A Reassessment of Conventional Wisdom About the Informed Public: National Political Information in Ghana"

David K. Hildebrand, University of Pennsylvania, James D. Laing and Howard Rosenthal, Carnegie-Mellon University, "Prediction Analysis in Political Research"

K. J. Holsti, University of British Columbia, "Underdevelopment and the 'Gap' Theory of International Conflict"

Robert T. Holt and John E. Turner, University of Minnesota, "Crises and Sequences in Collective Theory Development"

M. Kent Jennings, University of Michigan and Richard G. Niemi, University of Rochester, "Continuity and Change in Political Orientations: A Longitudinal Study of Two Generations"

David Koehler, American University, "Vote Trading and the Voting Paradox: A Proof of Logical Equivalence"

James I. Lengle, University of California, Berkeley and Byron Shafer, Russell Sage Foundation, "Primary Rules, Political Power and Social Change"

Patrick J. McGowan, Syracuse University and

Robert M. Rood, University of South Carolina, "Alliance Behavior in Balance of Power Systems: Applying a Poisson Model to 19th-Century Europe"

Richard D. McKelvey and Peter C. Ordeshook, Carnegie-Mellon University, "Symmetric Spatial Games Without Majority Rule Equilibria"

R. D. McKinlay and A. S. Cohan, University of Lancaster, "The Political, Military, and Economic Performance of Military and Non-Military Regime Systems: A Cross-National Aggregate Study"

Arthur H. Miller, Warren E. Miller, Alden S. Raine and Thad A. Brown, University of Michigan, "A Majority Party in Disarray: Policy Polarization in the 1972 Election"

Helmut Norpoth, University of Cologne, "Explaining Party Cohesion in Congress: The Case of Shared Policy Attitudes"

Fritz Nova, Villanova University, "Political Innovation of the West German Federal Constitutional Court: The State of Discussion on Judicial Review"

Karen Orren, University of California, Los Angeles, "Standing to Sue: Interest Group Conflict in the Federal Courts"

Guillermo Owen, Rice University, "Evaluation of a Presidential Election Game"

Benjamin I. Page, University of Chicago, "The Theory of Political Ambiguity"

Thomas L. Pangle, Yale University, "The Political Psychology of Religion in Plato's *Laws*"

Douglas Rae, Yale University, "The Limits of Consensual Decision"

Michael J. Robinson, The Catholic University of America, "Public Affairs Television and the Growth of Political Malaise: The Case of *The Selling of the Pentagon*"

Austin Sarat, Yale Law School and Joel B. Grossman, University of Wisconsin, Madison, "Courts and Conflict Resolution: Problems in the Mobilization of Adjudication"

Joseph A. Schlesinger, Michigan State University, "The Primary Goals of Political Parties: A Clarification of Positive Theory"

Paul R. Schulman, University of Tennessee, "Non-Incremental Policy Making: Notes Toward an Alternative Paradigm"

Gerald S. Strom, University of Illinois, Chicago, "On the Apparent Paradox of Participation"

Edward R. Tufte, Princeton University, "Determinants of the Outcome of Midterm Congressional Elections"

Eric M. Uslaner and J. Ronnie Davis, University of Florida, "The Paradox of Vote Trading: Effects of Decision Rules and Voting Strategies on Externalities"

J. Weinberger, Michigan State University, "Hobbes's Doctrine of Method"

Mary B. Welfling, Virginia Polytechnic Institute and State University, "Models, Measurement, and Sources of Error: Civil Conflict in Black Africa"

Lynn T. White, III, Princeton University, "Local Autonomy in China During the Cultural Revolution: The Theoretical Uses of an Atypical Case"

Fred H. Willhoite, Jr., Coe College, "Primates and Political Authority: A Biobehavioral Perspective"

Rawls's Theory of Justice

JOHN W. CHAPMAN
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John Rawls's theory of justice is based on Hume's conception of the circumstances of justice, Kant's conception of the self, and Rousseau's moral psychology. Rawls holds fast to the paramount liberal ideal of equality of opportunity, and he agrees with John Stuart Mill that "accidents of birth" are morally arbitrary. The theory is a theory of our sense of justice and our other moral sentiments. "Our moral sentiments display an independence from the accidental circumstances of our world, the meaning of this independence being given by the description of the original position and its Kantian interpretation."[1] In the "original position" we unanimously choose principles of justice from behind a "veil of ignorance" as to our natural capacities and social advantages. These are undeserved and hence arbitrary from the moral point of view. The principles so chosen, Rawls affirms, would meet the criteria of both collective and individual rationality and so serve to explain our sense of justice.

Diverse Interpretations

Rawls's theory has both the simplicity and the complexity of a Gothic cathedral. Its sheer complexity, combined with his psychological, social, and economic postulates, invites diverse interpretations. It has been called Christian (Stuart Hampshire), Hobbist (Anthony Flew), individualistic with a vengeance (Robert Nozick), Gladstonian and Spencerian (Brian Barry), illiberal and socialist (Daniel Bell), essentially utilitarian (David Braybrooke), and liberal revisionist (C. B. Macpherson). It has been charged with both artificiality (Maurice Mandelbaum) and inconsistency (Nozick). Already alternatives have been put forward, notably by Barry who writes in favor of "altruistic collaboration" even at the expense of efficiency, and by Nozick who offers a parajuridical "historical-entitlement" conception of justice. And there is Hayek, immensely skeptical of tampering with "the liberal plan of equality, liberty, and justice," who has announced a book on the "mirage" of social justice.

Nearly all would agree that Rawls's theory is a liberal theory. The question is, liberal in what sense?

Hayek contends that "classical liberalism rested on the belief that there existed discoverable principles of just conduct of universal applicability which could be recognized as just irrespective of the effects of their application on particular groups."[2] If so, then Rawls is no classical liberal. Nor is he a liberal from the standpoint of a "possessive individualist," who argues that whether or not people deserve their natural and social assets, they have them, not illegitimately so, and hence are entitled to what they can earn in an open market. The difference is that Rawls believes in both fair equality of opportunity and correction of morally arbitrary inequalities. His is a rational or even a cosmic justice which stands against a natural order based on competition. Like Rousseau and Kant, Rawls thinks that we are moral and not economic, political, or juridical beings. And again like Rousseau, he is an egalitarian for the sake of independence, self-respect, and freedom, not for equality's own sake. "For this sentiment [of justice] reveals what the person is, and to compromise it is not to achieve for the self free reign but to give way to the contingencies and accidents of the world" (p. 575).

Rousseau and Rawls

In the perspective of western moral and political philosophy, I think that Rawls's theory of justice is best seen as the culmination of the effort, begun by Kant and Hegel, and carried forward by T. H. Green, Bernard Bosanquet, and the other British and American idealists, to adapt Rousseau's theory of the general will to the modern state.

As with *The Social Contract* and *Émile*, Rawls's statement of his theory proceeds in two stages. First, he attempts to demonstrate that reasonable men, who do not know who they are, in a mutually disinterested way would adopt a certain conception of justice. And secondly, he argues that our moral psychology and our natural sentiments are such that a conception of justice, so-chosen, would be stable. We are rational, and because we are, we are morally "perfectible." In the "original position," the "veil of ignorance" serves to render Mill's emotional revulsion against "accidents of birth" a rational response to unmerited inequalities. And we are "naturally good," as Rousseau would say. Hence what reason requires, natural and moral sentiments will emerge to confirm and sustain. "Thus a well-ordered society satisfies the principles of justice which are collectively rational from the perspective of the original position; and from the standpoint of the individual, the desire to affirm the public conception of justice as regulative of one's plan of life accords with the principles of rational choice" (p. 577). The general will is present in both the individual and the society.

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[1] John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 475.

[2] F. A. Hayek, *Law, Legislation and Liberty* (Chicago: The University of Chicago Press, 1973), I, 141.

The key to Rawls's political psychology is his acceptance of a modernized version of Rousseau's moral psychology, that given the neutralization of their egoistic impulses, men's moral potentialities will be released. These interdependent processes of psychological neutralization and moral transformation move through three Hegelian phases. The first of these is the "original position," in which the Kantian noumenal selves confront one another to cooperate against scarcity. The second is an institutional phase in which their exposure to just institutions calls forth men's sense of justice; it is not a matter of "inculcation," as Brian Barry would have it. The third phase, or better dimension, of the processes is a familial phase in which our capacity for "reciprocity," to which Rawls refers as "a deep psychological fact" (p. 494), may be initially aroused.

In the course of his analysis, some may contend, Rawls has illegitimately enlarged his interpretation of human rationality. In the "original position" rationality is a matter of prudential deliberation and decision. Once men are outside of this hypothetical situation, their rationality would seem to include an evolved tendency to answer in kind; they are seen as naturally reciprocative. Does the same conception of rationality apply to men, or Kantian selves, who set out collectively to select principles that will morally transfigure them, and which they do not know, and to these men once they have acquired their sentiment of justice? Explanation of this transition from rational calculation to rational morality poses the same sort of problem faced by Rousseau in his exposition of the moral consequences of the social contract. He held the general will to be both a rational standard against which to test policies and institutions and also a steady inclination of men who had attained to "natural goodness." I think that what both Rawls and Rousseau mean to say is that our natural sentiments are as rational as our capacity for prudential calculation.

In two respects, Rawls is more sanguine than Rousseau. In Rawls's well-ordered society, "the hazards of the generalized prisoner's dilemma are removed by the match between the right and the good" (p. 577). Rousseau had felt that in the good society tension would remain between the general will and individual interest. Hence he was prepared illiberally to reinforce our social inclinations. Rawls speaks of "our natural sociability" (p. 584) and anticipates a more spontaneous public spiritedness to cement our commitment to both the right and the good.

Moreover, Rawls feels that the twin processes of neutralization and transformation require an advanced society in which to operate—not the small, homogeneous, and rather primitive *polis* envisaged by Rousseau. According to Rawls, our capacity to respect human diversity is strengthened by our natural appreciation of it.

Herein lie the novelties of Rawls's achievement, the first of which goes well beyond Rousseau's hesitation about our sociability and amounts to a claim to have resolved one of the most fundamental of all problems of political philosophy without resort to the kinds of indoctrination Rousseau and others have been prepared to employ. In the great society, what right permits is reconciled with what interest prescribes, and justice and utility are united. Collective and individual rationality coincide.

The Implications of Collective Rationality

The conception of justice Rawls thinks dictated by collective rationality is specified by three lexically ordered principles: greatest equal freedom, fair equality of opportunity, and the "difference principle," by which he means that any inequality, including inequalities of freedom, in order to qualify as just must not merely advance but maximize the prospects of the least advantaged. Rawls regards his "difference principle" not only as an outcome of rational and prudential choice in the "original position." Its acceptance enables us to transcend the "accidents of birth" and so constitutes our recognition of everyone equally as a moral being. It gives precision to *fraternité* in the principles of '89.

Now Hayek has said in effect that over the long run capitalism has satisfied the "difference principle." But from the standpoint of a thoroughgoing "possessive individualist," such as the Lockean Robert Nozick, that principle is manifestly unfair to the able and advantaged. It is not a principle they could reasonably be expected to affirm, whether behind or beyond the "veil of ignorance." For it involves an invasion of their property in their persons, of their natural, "Lockean" rights of acquisition and transfer. At best the "difference principle" amounts to a principle of rectification, useful and legitimate for the purpose of correcting for past injustices, and expendable once the corrections have been made. From this standpoint the very concept of distributive justice makes no sense.

Application of Rawls's "difference principle" to our present society would involve redistribution of wealth and income, certainly sufficient to achieve and to maintain fair equality of opportunity and to guarantee men's self-respect, which he considers one of the primary goods of life. But Rawls does not say how large these transfers of wealth and income are to be. In practice, as Amartya Sen points out, how egalitarian Rawls's principle would prove to be depends on how its distribution affects total income. In Rawls's theory of justice, considerations of incentive and productivity are presumably brought into equilibrium with the rights and needs of the least advantaged. Again a contrast may be made with Nozick's "historical-entitlement" theory of justice which ignores need entirely, regarding the claims of need almost as a form of moral blackmail.

As opposed to Rawls, others—perhaps even a majority of moral philosophers—have argued that men would collectively and reasonably choose some utilitarian criterion, such as maximizing expected or average utility, on which to base their institutional arrangements. Against utilitarianism in all its forms, Rawls is saying that the very plurality of persons implies the priority of the right over the good. No one may be rightfully and justly asked to diminish his welfare or prospects for the sake of the greater good of others even though these greater goods would, in some sense, outweigh the losses. Nor can a rational man in the "original position" take a gamble on the position he would occupy in a utilitarian society, and he certainly cannot gamble with the prospects of his descendants.

I would add that the "difference principle" is not only a way of acknowledging moral equality, which is the essence of Rawls's case against both the utilitarians and the extreme deontologists like Nozick. It is also a way to deprive men of "threat advantages" against one another. As Mill said, men require first of all to be "self-protecting," and the "difference principle" provides each individual with a maximin fallback position, beyond which no enemy can drive him. In this respect also Rawls's principles of justice incorporate Rousseau's understanding of our psychology, that in order for our sense of justice to develop we must be secure against and independent of one another, dependent only on our general will.

This reflection suggests that the rational and the attitudinal components of Rawls's theory are even more closely and functionally related than he perhaps realizes. He does say that " . . . embedded in the principles of justice is an ideal of the person that provides an Archimedean point for judging the basic structure of society" (p. 584). But how can you logically get to an "ideal of the person," Brian Barry would ask, from decisions based on rational calculations about wants and goods? Perhaps the path is psychological. May it not be that Rawls's distinctive interpretation of the implications of collective rationality depends upon his Rousseauean reading of human nature and dynamics? That is to say, in a society of equals, free of domination and its corrupting consequences, we would and do undergo a change of moral purpose. Rawls's ideal person, like Rousseau's, has a sense of, and a will for, justice. His moral attitudes arise naturally in a rationally organized society. This society has its origin in rational calculation; its justification lies in its capacity morally to transform its members. In this sense, the members of the good society embody the moral consequences of their collective rationality.

Rousseau Transcended

Unlike Rousseau, however, Rawls holds that in a modern society, based on his principles of justice, men will acquire a will for justice that is enduring. Rousseau had thought that to generate and to sustain a sense of justice, the individual not only had to be properly brought up, as was Émile, but he must also be active politically. If men were to regard their laws as just, they had to take part directly in making them; otherwise their concern for justice would atrophy. Rawls's case for the presence of the general will is both more elaborate and less demanding than Rousseau's.

As we have seen, Rawls shares with Rousseau a view of human development that includes natural appreciation of demonstrated good will, which arouses the appropriate response of gratitude. Given this propensity to reciprocity, the just man sprouts naturally from the child. But Rawls goes on to postulate an "Aristotelian Principle" of motivation, by which he means that people find satisfaction in complex and energizing calls upon their capacities, and these only an advanced society can provide. Rousseau was fearful that progress of the arts and sciences would frustrate man's "natural goodness," his potentiality for moral and social integration. Moreover, Rawls feels that people do not experience specialization as stultifying, as Marx would have it. No one can hope to realize all of his abilities, but we do not really mind, for we participate in one another's lives. Modern society can be an Humboldtian "social union of social unions." Furthermore, although this point does not seem entirely consistent with Rawls's emphasis on human sociability, the great society consists of "noncomparing groups." This fact helps to keep down envy, for people will not resent inequalities they do not notice. Equality of opportunity reduces differentials in earnings, and the "close-knitness" and "chain-connectedness" of a modern economy produce a smooth gradation of occupations and incomes; the extremes of the past are no longer possible. (All of these postulates can be challenged, and some have been, notably by Brian Barry. But none is implausible, unless C. D. Darlington is right that every scientific and technological advance worsens the competitive position of the genetically disadvantaged.) And finally, in the modern state men stand before one another with a public conception of justice the essentials of which all can understand and acknowledge.

In these ways Rawls seeks to transcend Rousseau's political and pessimistic vision of the general will, propped up by religious and national sentiment, and he anchors our will for justice in human nature itself. In doing so, Rawls offers us both a philosophy of life and faith to live by. Modern liberalism is the social expression of the moral nature and destiny of man.

Liberty and Equality

A Theory of Justice is an achievement of the first order. In this century only Bernard Bosanquet's *Philosophical Theory of the State* begins to compare with it. As I see it, the significance of Rawls's theory of justice lies in its accommodation of the liberal principles of liberty, equality, and fraternity. I say accommodation, for his theory has been and will continue to be criticized by both libertarians and equalitarians.

To the equalitarian it may very well seem that Rawls is prepared to accept too much inequality. Here I have in mind not differentials in earnings based on differentials in productivity, offensive to the "altruistic collaborationist." Rather the complaint is that Rawls is willing to countenance inequalities in the worth of liberty so long as the "difference principle" is satisfied, so long as these inequalities pay off for the least well off. His principles of greatest equal freedom and fair equality of opportunity will permit the more able to gain positions from which they control and manage the rest. The rights may be equal, but they are not of equal value to all, so the less able among the competitors are not really fully or equally free. Economic efficiency, therefore, prevails over both equality and freedom. Rawls proves unfaithful to his "Aristotelian Principle," for men are being treated as consumers, not as exerters and doers. Revised liberalism remains, in C. B. Macpherson's words, a doctrine of "possessive individualism."[3]

However, some freedoms, for example, academic freedom, are simply bound to be of greater worth to the more talented, and nothing either can or should be done about it. Moreover, there are obviously cases in which different freedoms have to be balanced against each other. Suppose men would have greater independence and more opportunity for self-direction and self-development if they built automobiles in teams instead of on assembly lines, and suppose further that team-built cars would cost a good deal more, thus reducing the possibility of expenditure in other directions, such as education, health, travel, vacations. Which would they prefer, more independence on the job and fewer freedoms elsewhere, or the other way around? The same kind of question may very well arise about doctrines of workers' self-management. But it is not really a question of freedom *versus* economic efficiency. Rather it is a matter of choosing among different forms of freedom, and it may be perfectly rational, not "one-dimensional" as Marcuse would have it, to pay with drudgery for an enlargement of other freedoms, unless we can so improve our technology to provide greater independence and scope for initiative at no loss to efficiency.

More generally, there is no reason to think that all freedoms can ever be of equal worth to unequally and differently endowed persons. In our world, Rawls's "difference principle" may be the best there is, given our commitment to equality of opportunity.

But why should we accept the "difference principle," the proponent of the system of "natural liberty" asks? Is it not an unwarranted concession to envy? The "historical-entitlement" conception of justice is more appropriate to the human condition than is Rawls's refusal to accept the natural order. Simply let men bargain it out in markets free from force and fraud, and let them dispose of their earnings and holdings as they see fit. Pursuit of an ideal of equality contrary to the inequalities inherent in the natural order requires constant interference and coercion. Rawls's cosmic theory of justice even smacks of Platonism in creating an opposition between justice and personal relations.

These criticisms involve interlocking considerations of rights, needs, self-esteem, equality of opportunity, and desert, upon which I can comment in only a perfunctory and suggestive manner. Rawls wants men to have pretty much an equal chance in life to get what they think good and deserve. Fair equality of opportunity is central to his theory, and this would seem to imply a concern for desert. Hence he is not prepared to permit genetic superiority to be converted into undeserved social advantage and competitive edge. At the same time, he desires to mitigate the "accidents of birth," to reduce the force in life of undeserved advantages, and this concern is equally central to his thinking. Rawls's opposition to the undeserved would seem logically to require recognition of what is deserved.

But Rawls tends to treat genetic endowment, inherited advantages, and superior character all on a par; all are undeserved. What then is deserved? Perhaps nothing, and the whole concept of deserving should be scrapped and replaced with that of necessary incentives. But surely, contrary to Rawls, a man is more responsible for his character, and the contribution it enables him to make, than he is for his endowment and advantages, both of which are more properly and naturally described as undeserved. If responsibility for character goes, what becomes of moral autonomy and ambition? The moral significance of fair equality of opportunity? Determinism threatens to dissolve desert into incentive. The very concept of justice comes into question.

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[3] See C. B. Macpherson, *Democratic Theory: Essays in Retrieval* (Oxford: Clarendon Press, 1973), chapter IV.

An alternative way of thinking about desert is to equate it with the concept of entitlement, as does Nozick. But desert is a moral concept having to do with worthiness, whereas entitlement is more a legal or juridical concept, having to do with rules and institutions. In our ordinary language, which may be taken to reflect both morality and legality, one may deserve something to which one is not entitled, and so also one may be entitled to something that is not deserved. Justice may be the cool virtue, as Hume remarked. But only by bending our ordinary ways of speaking can justice become an icy theory of historical entitlements.

In the face of these considerations one wonders whether the issues can be defined and settled on purely rational and linguistic grounds. At stake, I am inclined to think, is what it means to be a person. This is a philosophical question on which philosophers are bound to differ. Certainly Rawls's Kantian conception of personality, which Stuart Hampshire pronounces "illegitimate," rules out an "historical-entitlement" theory of justice, and does so at no real cost, so far as I can see, to familial and personal relations. Still a disconcerting ambiguity remains in Rawls's treatment of desert and in his understanding of human personality. And justice does have an historical dimension, as Nozick insists, otherwise we would not put up with inheritance of wealth. It is this dimension that Rawls's theory would seem most seriously to slight.

We can only await the resolution of these philosophical issues. Until then Rawls's reconciliation of liberty and equality will remain the high water mark of liberalism.

Metaethical Considerations

Others will question the metaethic on which Rawls's theory is based. For him reliable moral deliberation consists in testing principles and sentiments against one another until a condition of "reflective equilibrium" is reached. It is a process in which intuition is mingled with considerations of rationality and consistency. Its outcome is moral unity.

Some moral and political philosophers say that our moral intuitions are irreducibly pluralistic and that in the end what we do is emotively to choose a blend of values, a form of life. Conceivably we could even choose between a liberal or a pagan way of life, between a liberal and a natural or classical conception of justice. And neither would be a more or less rational choice, for we are choosing between competing ultimates. Reason simply does not enter into a decision whether or not to correct and to compensate for the differences that characterize human beings. Indeed, we value freedom as we do just *because* we are faced with such choices. Hence morality becomes an intuitionistic balancing or blending of values, not their Rawlsian accommodation.

This issue will surely turn on the facts of our moral psychology, including their historical dimension. Rawls thinks we are so constituted that a stable conception of justice depends on reasoned reconciliation of the claims of liberty and equality. Our moral and political history would seem to bear him out. In the west we have moved from classical to Christian conceptions of justice, and the latter have enlarged in a rationally explicable manner with the rise of liberalism. His conception of "reflective equilibrium" may be given an historical as well as a personal interpretation.

Institutional Arrangements

Finally we come to the question of how Rawls proposes to translate his principles of justice into institutional arrangements. He argues quite correctly that the people he envisages would elect for constitutional democracy and a market economy. These are the basic political and economic implications of their conception of justice. If, however, we look more closely at his institutional proposals some doubts and problems do arise.

Rawls surmises that a market economy, consistent with his principles, may be based on either capitalist or socialist forms of ownership; that is to say, private property is not an essential institution. This question, unfortunately, is not treated with his usual thoroughness, and it calls for further reflection and analysis.

Differential control over property is present in both private and public systems of ownership and is probably inherent in occupational specialization among unequally able persons. But private ownership, even as it approaches a semi-socialist form in the modern corporation, does have the advantage of providing society with independence against its governors. Nothing in our experience with societies called socialist suggests that Locke was mistaken on this point. Perhaps what J. E. Meade calls a "property-owning democracy" is the best way to institutionalize Rawlsian justice.

A more serious difficulty arises for Rawls, as it did for Rousseau, in the relation between his ethics, grounded in the collectively rational, and democratic politics in the shape of pluralism and group bargaining. Despite Rawls's insistence that his principles of justice match the right and the good, and meet the criteria of collective and individual rationality, political activity in the liberal democratic state remains an amalgam of the just and the unjust.

Rawls is firmly set against an economic interpretation of politics. In his view, economic and political activity are to be conceived as quite different in nature and purpose. If he but could, one suspects Rawls would reduce politics to ethics, much as Kant was inclined to reduce morality to rationality. "Each rational legislator is to vote his opinion as to which laws and policies best conform to principles of justice" (p. 361). Ideally Rawls's citizens, like Rousseau's, should ask as they vote, what the general will requires, not what's in it for me or for you. Unhappily the constraints upon self- and group interest imposed in the "original position" by the "veil of ignorance" are removed once that veil is removed and we move from the ethical into the political realm. A gap exists, therefore, between Rawlsian ethics and democratic politics. As he remarks, in an uncharacteristic overstatement, "The democratic political process is at best regulated rivalry. . . . " (p. 226).

A Rousseauean Legislator

To summarize, Rawls thinks that our nature is such that in a modern society constructed in accordance with his theory of justice the rational calculations and desires of individuals and their natural moral sentiments will all prove to be mutually consistent and supporting. Our sense of justice, including its cosmic dimensions, is rationally explicable, as are our other moral feelings. In deeply unified moral beings, which he says we are, reason and feeling are interdependent and hence may be expected to come into "reflective equilibrium." This is what it means to be a person, rising above contingency, and capable of "the perspective of eternity" (p. 587).

There remains, however, as a challenge to moral ambition, a persistent tension between Rawls's ethics and pluralistic politics. Despite our natural bent toward reciprocity, the neutralization of egostic impulses remains incomplete. Calculations of advantage excluded from moral choice reappear in political contest. Lesser general wills arise, as Rousseau was well aware, and divert society from full justice. Still, on balance, we may conclude that our institutional environment is appropriate to our moral psychology. In our lives power is sufficiently well neutralized to permit moral growth and action. In this sense, then, Rawls is right: the general will does inform the spirit of the modern liberal democratic state.

These reflections are meant to testify to the originality and solidity of Rawls's achievement. He has in fact consolidated and elaborated, and by doing so, has greatly strengthened, the case for liberalism as the moral and political philosophy agreeable to all mankind. Once again a "Legislator" has appeared in our midst.

Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls's Theory

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1. Introduction

John Rawls's *A Theory of Justice*[1] is an important book. It is an attempt to develop a viable alternative to *utilitarianism*, which up to now in its various forms was virtually the only ethical theory proposing a reasonably clear, systematic, and purportedly rational concept of morality. I shall argue that Rawls's attempt to suggest a viable alternative to utilitarianism does not succeed. Nevertheless, beyond any doubt, his book is a significant contribution to the ongoing debate on the nature of rational morality.

Rawls distinguishes two major traditions of systematic theory in post medieval moral philosophy. One is the *utilitarian* tradition, represented by Hume, Adam Smith, Bentham, John Stuart Mill, Sidgwick, Edgeworth, and many others, including a number of contemporary philosophers and social scientists. The other is the *contractarian* (social-contract) tradition of Locke, Rousseau, and Kant. The latter has never been developed as systematically as the utilitarian tradition, and, clearly, one of Rawls's objectives is to remedy this situation. He regards his own theory as a generalization of the classical contractarian position, and as its restatement at a higher level of abstraction (p. 11).

Rawls argues that the "first virtue" of social institutions (i.e., the most fundamental moral requirement they ought to satisfy) is *justice* (or *fairness*). Suppose that all members of a society—or, more precisely, all "heads of families" (p. 128; *pace* Women's Lib!)—have to agree on the general principles that are to govern the institutions of their society. All of them are supposed to be rational individuals caring only about their own personal interests (and those of their own descendants). But, in order to ensure that they would reach a fair-minded agreement (p. 12), Rawls assumes that they would have to negotiate with each other under what he calls the *veil of ignorance*, i.e., without knowing their own social and economic positions, their own special interests in the society, or even their own personal talents and abilities (or their lack of them). This hypothetical situation in which all participants would have to agree on the most basic institutional arrangements of their society while under this veil of ignorance, is called by Rawls the *original position*. In his theory, this purely hypothetical—and rather abstractly defined—original position replaces the historical or semi-historical "social contract" of earlier contractarian philosophers. He considers the institutions of a given society to be *just* if they are organized according to the principles that presumably would have been agreed upon by rational individuals in the original position (p. 17).

What decision rule would rational individuals use in the original position in deciding whether a given set of institutions was or was not acceptable to them? In the terminology of modern decision theory, the initial position would be a situation of *uncertainty* because, by assumption, the participants would be uncertain about what their personal circumstances would be under any particular institutional framework to be agreed upon.

There are two schools of thought about the decision rule to be used by a rational person under uncertainty. One proposes the *maximin principle*, or some generalization or modification of this principle, as the appropriate decision rule.[2] From the mid-'forties (when the problem first attracted wider attention) to the mid-'fifties this was the prevailing opinion. But then came a growing realization that the maximin principle and all its relatives lead to serious paradoxes because they often suggest wholly unacceptable practical decisions.[3] The other—Bayesian—school of thought, which is now dominant, proposes *expected-utility maximization* as decision rule under uncertainty.[4]

In my opinion, the concept of the original posi-

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[1] Cambridge, Mass.: Harvard University Press, 1971.

[2] See Abraham Wald, *Statistical Decision Functions* (New York: John Wiley & Sons, 1950); Leonid Hurwicz, "Optimality Criteria for Decision Making Under Ignorance," *Cowles Commission Discussion Paper*, Statistics #370 (1951, mimeographed); and Leonard J. Savage, "The Theory of Statistical Decision," *Journal of the American Statistical Association*, 46 (March, 1951), 55–67.

[3] See Roy Radner and Jacob Marschak, "Note on Some Proposed Decision Criteria," in R. M. Thrall, C. H. Coombs, and R. L. Davis, eds., *Decision Processes* (New York: John Wiley & Sons, 1954), pp. 61–68.

[4] See, e.g., Leonard J. Savage, *The Foundations of Statistics* (New York: John Wiley & Sons, 1954).

tion is a potentially very powerful analytical tool for clarifying the concept of justice and other aspects of morality. In actual fact, this concept played an essential role in my own analysis of moral value judgements,[5] prior to its first use by Rawls in 1957[6] (though I did not use the term "original position"). But the usefulness of this concept crucially depends on its being combined with a satisfactory decision rule. Unfortunately, Rawls chooses the maximin principle as decision rule for the participants in the original position. By the very nature of the maximin principle, this choice cannot fail to have highly paradoxical implications.

2. The Maximin Principle and its Paradoxes

Suppose you live in New York City and are offered two jobs at the same time. One is a tedious and badly paid job in New York City itself, while the other is a very interesting and well paid job in Chicago. But the catch is that, if you wanted the Chicago job, you would have to take a plane from New York to Chicago (e.g., because this job would have to be taken up the very next day). Therefore there would be a very small but positive probability that you might be killed in a plane accident. Thus, the situation can be represented by the following double-entry table:

	If the N.Y.-Chicago plane has an accident	If the N.Y.-Chicago plane has no accident
If you choose the N.Y. job	You will have a poor job, but will stay alive	You will have a poor job, but will stay alive
If you choose the Chicago job	You will die	You will have an excellent job and will stay alive

The maximin principle says that you must evaluate every policy available to you in terms of the *worst possibility* that can occur to you if you follow that particular policy. Therefore, you have to analyze the situation as follows. If you choose the New York job then the worst (and, indeed, the only) possible outcome will be that you will have a poor job but you will stay alive. (I am assuming that your chances of dying in the near future for reasons other than a plane accident can be taken to be zero.) In contrast, if you choose the Chicago job then the worst possible outcome will be that you may die in a plane accident. Thus, the worst possible outcome in the first case would be much better than the worst possible outcome in the second case. Consequently, if you want to follow the maximin principle then you must choose the New York job. Indeed, you must not choose the Chicago job *under any condition*—however unlikely you might think a plane accident would be, and however strong your preference might be for the excellent Chicago job.

Clearly, this is a highly irrational conclusion. Surely, if you assign a low enough probability to a plane accident, and if you have a strong enough preference for the Chicago job, then by all means you should take your chances and choose the Chicago job. This is exactly what Bayesian theory would suggest you should do.

If you took the maximin principle seriously then you could not ever cross a street (after all, you might be hit by a car); you could never drive over a bridge (after all, it might collapse); you could never get married (after all, it might end in a disaster), etc. If anybody really acted this way he would soon end up in a mental institution.

Conceptually, the basic trouble with the maximin principle is that it violates an important continuity requirement: It is extremely irrational to make your behavior wholly dependent on some highly unlikely unfavorable contingencies *regardless of how little probability you are willing to assign to them.*

Of course, Rawls is right when he argues that in *some* situations the maximin principle will lead to reasonable decisions (pp. 154–156). But closer inspection will show that this will happen only in those situations where the maximin principle is essentially *equivalent* to the expected-utility maximization principle (in the sense that the policies suggested by the former will yield expected-utility levels as high, or almost as high, as the policies suggested by the latter would yield). Yet, the point is that in cases where the two principles suggest policies very dissimilar in their consequences so that they are far from being equivalent, it is always the expected-utility maximization principle that is found on closer inspection to suggest reasonable policies, and it as always the maximin principle that is found to suggest unreasonable ones.

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[5] See John C. Harsanyi, "Cardinal Utility in Welfare Economics and in the Theory of Risk-Taking," *Journal of Political Economy,* 61 (October, 1953), 434–435; and "Cardinal Welfare, Individualistic Ethics, and Interpersonal Comparisons of Utility," *Journal of Political Economy,* 63 (August, 1955), 309–321.

[6] John Rawls, "Justice as Fairness," *Journal of Philosophy,* 54 (October, 1957), 653–662; and "Justice as Fairness," *Philosophical Review,* 67 (April, 1958), 164–194. The 1957 paper is a shorter version of the 1958 paper with the same title.

3. The Maximin Principle in the Original Position

In the last section I have argued that the maximin principle would often lead to highly irrational decisions in everyday life. This is already a sufficient reason for rejecting it as a decision rule appropriate for the original position. This is so because the whole point about the concept of the original position is to imagine a number of individuals ignorant of their personal circumstances and then to assume that under these conditions of ignorance they would act in a *rational manner*, i.e., in accordance with some decision rule which consistently leads to reasonable decisions under ignorance and uncertainty. But, as we have seen, the maximin principle is most definitely *not* a decision rule of this kind.

Yet, after considering the performance of the maximin principle in everyday life, I now propose to consider explicitly the more specific question of how well this principle would perform in the original position itself. In particular, do we obtain a satisfactory concept of justice if we imagine that the criteria of justice are chosen by people in the original position in accordance with the maximin principle?

As Rawls points out, use of the maximin principle in the original position would lead to a concept of justice based on what he calls the *difference principle*, which evaluates every possible institutional arrangement in terms of the interests of the *least advantaged* (i.e., the poorest, or otherwise worst-off) individual (pp. 75-78). This is so because in the original position nobody is assumed to know what his own personal situation would be under any specific institutional arrangement. Therefore, he must consider the possibility that he might end up as the worst-off individual in the society. Indeed, according to the maximin principle, he has to evaluate any particular institutional framework *as if* he were *sure* that this was exactly what would happen to him. Thus, he must evaluate any possible institutional framework by identifying with the interests of the worst-off individual in the society.[7]

Now, I propose to show that the difference principle often has wholly unacceptable moral implications. As a first example, consider a society consisting of one doctor and two patients, both of them critically ill with pneumonia. Their only chance to recover is to be treated by an antibiotic, but the amount available suffices only to treat one of the two patients. Of these two patients, individual A is a basically healthy person, apart from his present attack of pneumonia. On the other hand, individual B is a terminal cancer victim but, even so, the antibiotic could prolong his life by several months. Which patient should be given the antibiotic? According to the difference principle, it should be given to the cancer victim, who is obviously the less fortunate of the two patients.

In contrast, utilitarian ethics—as well as ordinary common sense—would make the opposite suggestion. The antibiotic should be given to A because it would do "much more good" by bringing him back to normal health than it would do by slightly prolonging the life of a hopelessly sick individual.

As a second example, consider a society consisting of two individuals. Both of them have their material needs properly taken care of, but society still has a surplus of resources left over. This surplus can be used either to provide education in higher mathematics for individual A, who has a truly exceptional mathematical ability, and has an all-consuming interest in receiving instruction in higher mathematics. *Or*, it could be used to provide remedial training for individual B, who is a severely retarded person. Such training could achieve only trivial improvements in B's condition (e.g., he could perhaps learn how to tie his shoelaces); but presumably it would give him some minor satisfaction. Finally, suppose it is not possible to divide up the surplus resources between the two individuals.

Again, the difference principle would require that these resources should be spent on B's remedial training, since he is the less fortunate of the two individuals. In contrast, both utilitarian theory and common sense would suggest that they should be spent on A's education, where they would accomplish "much more good," and would create a much deeper and much more intensive human satisfaction.[8]

Even more disturbing is the fact that the difference principle would require us to give *absolute* priority to the interests of the worst-off individual, *no matter what*, even under the most extreme conditions. Even if his interest were affected only in a very minor way, and all other individuals in society had opposite interests of the greatest importance, his interests would always override anybody else's. For example, let us assume that society would consist of a large number of individuals, of whom one would be seriously retarded. Suppose that some extremely expensive treatment were to become available, which could very slightly improve the retarded individual's condition, but at such high costs that this treatment could be financed only if some of the most brilliant individuals were deprived of all higher education. The difference principle would require that the retarded individual should all the same receive this very expensive treatment at any event—*no matter how many* people would have to be denied a higher education, and *no matter how strongly* they would desire to obtain one (and no matter how great the satisfaction they would derive from it).

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[7] In cases where a more specific principle is necessary, Rawls favors the *lexicographical* difference principle: In comparing two possible societies, first compare them from the point of view of the *worst-off* individual. If they turn out to be equally good from his point of view, then compare them from the point of view of the *second-worst-off* individual. If this still does not break the tie, then compare them from the point of view of the *third-worst-off* individual, etc.

[8] This argument of course presupposes the possibility of interpersonal utility comparisons, at least in a rough and ready sense. I shall discuss the possibility of such comparisons in Section 8 on page 600.

Rawls is fully aware that the difference principle has implications of this type. But he feels these are morally desirable implications because in his view they follow from Kant's principle that people should "treat one another not as means only but as ends in themselves" (p. 179). If society were to give priority to A's interests over B's on the utilitarian grounds that by satisfying A's interests "more good" or "more utility" or "more human satisfaction" would be produced (e.g., because A could derive a greater benefit from medical treatment, or from education, or from whatever else), this would amount to "treating B as means only, and not as end in himself."

To my own mind, this is a very artificial and very forced interpretation of the Kantian principle under discussion. The natural meaning of the phrase "treating B as a means only, and not as end in himself" is that it refers to using B's *person*, i.e., his mental or physical faculties or his body itself, as *means* in the service of other individuals' interests, without proper concern for B's own interests. One would have to stretch the meaning of this phrase quite a bit even in order to include an unauthorized use of B's material *property* (as distinguished from his person) in the service of other individuals.

This, however, is still not the case we are talking about. We are talking about B's merely being *denied* the use of certain resources over which he has no prior property rights, and this is done on the ground that other individuals have "greater need" for these resources, i.e., can derive greater utility from them (and let us assume, as may very well be the case, that almost all impartial observers would agree that this was so). But there is no question at all of using B's person or property for the benefit of other individuals. Therefore, it is very hard to understand how the situation could be described as "treating B as a means only, and not as end in himself."

In any case, even if we did accept such an unduly broad interpretation of the Kantian principle, the argument would certainly cut both ways—and indeed, it would go much more against the difference principle than in favor of it. For suppose we accept the argument that it would be a violation of the Kantian principle if we gave priority to a very important need of A over a relatively unimportant need of B, because it would amount to treating B as a mere means. Then, surely, the opposite policy of giving absolute priority to B's *unimportant* need will be an even stronger violation of the Kantian principle and will amount *a fortiori* to treating A now as a mere means rather than as an end.

4. Do Counterexamples Matter?

Most of my criticism of Rawls's theory up to now has been based on counterexamples. How much weight do arguments based on counterexamples have? Rawls himself seems to have considerable reservations about such arguments. He writes (p. 52): "Objections by way of counterexamples are to be made with care, since these may tell us only what we know already, namely that our theory is wrong somewhere. The important thing is to find out how often and how far it is wrong. All theories are presumably mistaken in places. The real question at any given time is which of the views already proposed is the best approximation overall."

To be sure, counterexamples to some minor details of an ethical theory may not prove very much. They may prove no more than that the theory needs correction in some minor points, and this fact may have no important implications for the basic principles of the theory. But it is a very different matter when the counterexamples are directed precisely against the most fundamental principles of the theory, as are the maximin principle and the difference principle for Rawls's theory. In this case, if the counterexamples are valid, it can only mean that the theory is *fundamentally* wrong.

Admittedly, all my counterexamples refer to rather special situations. It is quite possible that, in *most* everyday situations posing no special problems, Rawls's theory would yield quite reasonable practical conclusions. Indeed, it is my impression that in most situations the practical implications of Rawls's theory would not be very different from those of utilitarian theories. But of course, if we want to *compare* Rawls's theory with utilitarian theories in order to see which of the two yields more reasonable practical conclusions, we have to concentrate on those cases where they yield significantly different conclusions.

Clearly, as far as Rawls's theory often has implications similar to those of utilitarian theories, I must agree with his point that counterexamples do not prove that his theory does not have at least *approximate* validity in most cases. But my understanding is that Rawls claims more than approximate validity *in this sense* for his theory. Though he does not claim that his theory is absolutely correct in every detail, he does explicitly claim that at the very least the basic principles of his theory yield more satisfactory results than the basic principles of utilitarian theories do. Yet, in my opinion, my counterexamples rather conclusively show that the very opposite is the case.

5. An Alternative Model of Moral Value Judgments

All difficulties outlined in Section 3 can be avoided if we assume that the decision rule used in the original position would not be the maximin principle but would rather be the expected-utility maximization principle of Bayesian theory.

In the two papers already quoted,[9] I have proposed the following model. If an individual expresses his preference between two alternative institutional arrangements, he will often base his preference largely or wholly on his personal interests (and perhaps on the interests of his family, his friends, his occupational group, his social class, etc.). For instance, he may say: "I know that under capitalism I am a wealthy capitalist, whereas under socialism I would be at best a minor government official. Therefore, I prefer capitalism." This no doubt would be a very natural judgment of personal preference from his own point of view. But it certainly would not be what we would call a *moral* value judgment by him about the relative merits of capitalism and socialism.

In contrast, most of us will admit that he would be making a moral value judgment if he chose between the two social systems *without knowing* what his personal position would be under either system. More specifically, let us assume that society consists of n individuals, and that the individual under consideration would choose between the two alternative social systems on the assumption that under either system he would have the same probability, $1/n$, of taking the place of the best-off individual, or the second-best-off individual, or the third-best-off individual, etc., up to the worst-off individual. This I shall call the *equiprobability assumption.* Moreover, let us assume that in choosing between the two social systems he would use the principle of expected-utility maximization as his decision rule. (This is my own version of the concept of the "original position.")

It is easy to verify that under these assumptions our individual would always choose that social system which, in his opinion, would yield the higher *average utility level* to the individual members of the society. More generally, he would evaluate every possible social arrangement (every possible social system, institutional framework, social practice, etc.) in terms of the average utility level likely to result from it. This criterion of evaluation will be called the *principle of average utility.*

Of course, in real life, when people express a preference for one social arrangement over another, they will often have a fairly clear idea of what their own personal position would be under both. Nevertheless, we can say that they are expressing a *moral value judgment*, or that they are expressing a *moral preference* for one of these social arrangements, if they make a serious effort to *disregard* this piece of information, and make their choice *as if* they thought they would have the same probability of taking the place of any particular individual in the society.

Thus, under this model, each individual will have two different sets of preferences: he will have a set of *personal preferences*, which may give a particularly high weight to his personal interests (and to those of his close associates); and he will have a set of *moral preferences*, based on a serious attempt to give the same weight to the interests of every member of the society, in accordance with the principle of average utility.

While Rawls's approach yields a moral theory in the contractarian tradition, my own model yields a moral theory based on the principle of average utility and, therefore, clearly belonging to the utilitarian tradition.

6. Rawls's Objection to Using Probabilities in the "Original Position"

Rawls discusses my model primarily in Chapters 27 and 28 of his book. One of his critical comments is directed against my use of probabilities in the original position, in the form of the equiprobability assumption. He does not object to the equiprobability assumption as such *if* probabilities are to be used at all. He accepts Laplace's principle of indifference in the limited sense that in a situation of complete ignorance, *if* we want to use probabilities at all, *then* it is reasonable to assign equal probabilities to all possibilities (p. 169).[10] What he objects to is the very use of probabilities in the original position, and in all those cases where these probabilities are not based on empirical evidence. That is, he objects to using *subjective* probabilities or even *logical* probabilities,[11] in the absence of *empirical* probabilities estimated on the basis of empirical facts. (He does not insist, however, that these empirical probabilities should be estimated on the basis of observed statistical frequencies. He is willing to accept more indirect empirical evidence.)

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[9] Harsanyi, "Cardinal Utility . . . ," and Harsanyi, "Cardinal Welfare. . . ."

[10] My equiprobability assumption obviously can be regarded as an application of the principle of indifference. But it also has another possible interpretation. It may be regarded as an expression of the purely *moral* principle that, in making basic moral value judgments, we must give the same *a priori* weight to the interests of all members of the society.

The need and justification for using subjective probabilities have been extensively discussed by Bayesian decision theorists.[12] But Rawls makes no attempt to refute their arguments. Here I shall make only two points.

(a) The only alternative to using subjective probabilities, as required by Bayesian theory, would be to use a decision rule chosen from the maximin-principle family; and, as I have argued (in Section 2), all these decision rules are known to lead to highly irrational decisions in important cases.

(b) Bayesian decision theory shows by rigorous mathematical arguments that any decision maker whose behavior is consistent with a few—very compelling—rationality postulates simply *cannot help* acting *as if* he used subjective probabilities. (More precisely, he cannot help acting *as if* he tried to maximize his expected utility, computed on the basis of some set of subjective probabilities.) I shall quote only two of these rationality postulates: (1) "If you prefer *A* to *B*, and prefer *B* to *C*, then consistency requires that you should also prefer *A* to *C*"; (2) "You are better off if you are offered a *more valuable* prize with a given probability, than if you are offered a *less valuable* prize with the same probability." The other rationality postulates of Bayesian theory are somewhat more technical, but are equally compelling.

To illustrate that a rational decision maker simply *cannot help* using subjective probabilities, at least implicitly, suppose I offered you a choice between two alternative bets and said: "*Either*, I shall pay you $100 if candidate *X wins* the next election, and shall pay you nothing if he does not. *Or* I shall pay you $100 if he does *not* win, and pay you nothing if he does. Which of the two bets do you choose?"

First of all, it would be clearly irrational for you to refuse both bets, because *some* chance of obtaining $100 is surely better than no chance at all—since you can get this chance for free. So, if you are rational, you will choose one of the two bets. Now, if you choose the first bet then I can infer that (at least implicitly) you are assigning a subjective probability of 1/2 or *higher* to Mr. X's winning the next election. On the other hand, if you choose the second bet then I can infer that (at least implicitly) you are assigning a subjective probability of 1/2 or *lower* to Mr. X's winning the election. Thus, whichever way your choice goes, it will amount to choosing a subjective probability for Mr. X's winning the election—either a probability in the range [1/2, 1], or one in the range [0, 1/2].

By the same token, if a decision maker follows the maximin principle, he is not really avoiding a choice of subjective probabilities, at least implicitly. Of course, he may not think explicitly in terms of probabilities at all. But, whether he likes it or not, his behavior will really amount to assigning probability one (or nearly one) to the worst possibility in any given case. He may very well regard the task of choosing subjective probabilities as a rather burdensome responsibility: but he has no way of escaping this responsibility. For instance, if his reliance on the maximin principle results in a foolish decision because it amounts to grossly overestimating the probability of the worst possibility, then he cannot escape the consequences of this foolish decision. (He certainly cannot escape the consequences by saying that he has never explicitly assigned any numerical probability to the worst possibility at all; and that in actual fact he acted in this foolish way only because he wanted to avoid any explicit choice of numerical probabilities.)

Rawls also argues that a given individual's actions in the original position will be easier to justify to other people, including his own descendants, if these actions are based on the maximin principle, than if they are based on the equiprobability assumption (p. 169). But it seems to me that the exact opposite is the case.

As we have seen (cf. Footnote 10), the equiprobability assumption can be justified by the principle of indifference, and also by the moral principle of assigning the same *a priori* weight to every individual's interests. On the other hand, using the maximin principle in the original position is equivalent to assigning unity or near-unity probability to the possibility that one may end up as the worst-off individual in society; and, as far as I can see, there cannot be any rational justification whatever for assigning such an extremely high probability to this possibility.

Rawls's argument becomes much more convincing if it is turned around. If the original position were an historical fact, then any person, other than the worst-off individual in society, would have a legitimate complaint against his ancestor if the latter in the original position voted for an institutional arrangement giving undue priority to the interests of the worst-off individual. (For instance, to take the examples discussed in Section 3, he would have a legitimate complaint if his ancestor's vote in the original position now had the effect of depriving him of some life-saving drug, or of a much-desired higher education, etc.)

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[11] Following Carnap, by logical probabilities I mean subjective probabilities completely determined by symmetry considerations (if appropriate symmetry postulates are added to the standard rationality postulates of Bayesian theory).

[12] See footnote 4.

7. Do von Neumann-Morgenstern Utility Functions have any Place in Ethics?

In my model, every person making a moral value judgment will evaluate any institutional arrangement in terms of the average utility level it yields for the individual members of the society, i.e., in terms of the arithmetic mean of these individuals' von Neumann-Morgenstern (=vNM) utility functions.[13] This means that, under my theory, people's vNM utility functions enter into the very definition of justice and other moral values. Rawls objects to this aspect of my theory on the ground that vNM utility functions basically express people's attitudes toward risk-taking, i.e., towards gambling—and these attitudes have no moral significance. Therefore, Rawls argues, vNM utility functions should not enter into our definitions of moral values (pp. 172 and 323).

This objection is based on a misinterpretation of vNM utility functions, which is unfortunately fairly widespread in the literature. To be sure, the vNM utility function of any given individual is estimated from his choice behavior under risk and uncertainty. But this does not mean that his vNM utility function is *merely* an indication of his attitudes toward risk taking. Rather, as its name shows, it is a utility function, and more specifically, it is what economists call a cardinal utility function. This means that the primary task of a vNM utility function is *not* to express a given individual's attitudes toward risk taking; rather, it is to indicate how much utility, i.e., how much subjective *importance*, he assigns to various goals.

For example, suppose we find that a given individual is willing to gamble at very unfavorable odds—say, he is willing to pay $5 for a lottery ticket giving him a 1/1000 chance of winning $1000. This allows us the inference that his vNM utility function assigns (at least) 1000 times as much utility to $1000 as it assigns to $5. Thus, the theory of vNM utility functions suggests the following explanation for this individual's willingness to gamble at unfavorable odds: he is acting this way because he is attaching unusually *high* importance to getting $1000, and is attaching unusually *low* importance to losing $5. More generally, people are willing to gamble at unfavorable odds, if they feel they would need a large sum of money *very badly* (but do not care too much about losing a small sum of money).

Consequently, vNM utility functions have a completely legitimate place in ethics because they express the subjective importance people attach to their various needs and interests. For example, I cannot see anything wrong with a concept of justice which assigns high priority to providing university education for a given individual partly on the ground that he attaches very high *utility* to receiving such an education (i.e., wants to receive one very badly)—as shown by the fact that he would be prepared to face very considerable personal and financial *risks*, if he had to, in order to obtain a university education.

8. Do Interpersonal Utility Comparisons Make Sense?

Rawls objects to the use of interpersonal utility comparisons in defining justice (p. 173). In contrast, my own model makes essential use of such comparisons in the sense that it requires any person making a basic moral value judgment to try to visualize what it would be like to be in the shoes of any other member of the society. That is, he must try to estimate what utility level he would enjoy if he himself were placed in the *objective* physical, economic, and social conditions of any other individual—and if at the same time he also suddenly acquired this individual's *subjective* attitudes, taste, and preferences, i.e., suddenly acquired his utility function.

Admittedly, the idea of evaluating another individual's personal circumstances in terms of *his* utility function, and not in terms of our own, is a difficult concept. But it is a concept we cannot avoid in any reasonable theory of morality. Clearly, if I want to judge the fairness of a social policy providing a diet very rich in fish for a given group of individuals (e.g., for students living in a certain dormitory), I obviously must make my judgment in terms of these individuals' liking or disliking for fish, and not in terms of my own.

As I tried to show in my 1955 paper,[14] the ultimate logical basis for interpersonal utility comparisons, interpreted in this way, lies in the postulate that the *preferences and utility functions of all human individuals* are *governed by the same basic psychological laws.* My utility function may be very different from yours. But, since both of our utility functions are governed by the very same basic psychological laws, if I had your personal characteristics—and, in particular, if I had your biological inheritance and had your life history behind me—then presumably I would now have a utility function exactly like yours.[15] This means that any *inter*personal comparison I may try to make between your present utility level and my own, reduces to an *intra*-personal utility comparison between the utility level *I* myself *do* now enjoy, and the utility level *I* myself *would* enjoy under certain hypothetical conditions, namely if I were placed in your physical, economic, and social position, and also had my own biological and biographical background replaced by yours.

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[13] As defined by John von Neumann and Oskar Morgenstern, *Theory of Games and Economic Behavior,* 2nd ed. (Princeton, N.J.: Princeton University Press, 1947), pp. 15–31.

[14] Harsanyi, "Cardinal Welfare. . . ."

[15] This statement would admittedly require appropriate qualifications if the psychological laws governing

This means that interpersonal utility comparisons have a completely specific theoretical meaning, in the sense that, "under ideal conditions," i.e., if we had full knowledge of the psychological laws governing people's preferences and their utility functions, and also had sufficient information about other people's personal characteristics, then we could make perfectly error-free interpersonal utility comparisons. Of course, in actual fact, our knowledge of psychological laws and of other people's personal characteristics is very limited, and, therefore, interpersonal utility comparisons are often subject to considerable error—but, of course, so are many other judgments we have to make before we can reach practical decisions, whether these are moral decisions or purely pragmatic ones. Nevertheless, in many *specific* cases, we may have enough background information to be quite confident in our judgments of interpersonal utility comparison—and this confidence is often justified by the fact that in many of these cases there is a reasonable agreement between the conclusions reached by different competent observers when they try to make such comparisons.

In any case, we all make, and cannot help making, interpersonal utility comparisons all the time. We have to decide again and again which particular member of our family, or which particular friend of ours, etc., has a more urgent need for our time or our money, or could derive greater satisfaction from a present, and so on. Likewise, as voters or public officials, we have to decide again and again which particular social group would derive the greatest benefit from government help, etc. To my mind, it makes no sense to deny the legitimacy of a mental operation we all perform every day, and for which a completely satisfactory logical analysis can be provided.[16]

Rawls expresses considerable doubts about the validity of interpersonal utility comparisons (pp. 90 and 321–324). But he makes no attempt to refute my theory of such comparisons, stated in my 1955 article (and briefly summarized above). Instead, he concentrates his criticism on two highly artificial procedures suggested in the literature for making interpersonal utility comparisons (pp. 321–323). One is based on equating the smallest noticeable utility differences of different people. The other is based on equating all individuals' highest possible utility levels, and then again equating their lowest possible utility levels. Of course, he has no trouble showing that, in order to use either procedure in moral philosophy, we would have to introduce some highly arbitrary and implausible moral postulates. But none of these criticisms applies to my own theory of interpersonal utility comparisons.

This completes my discussion of Rawls's objections to my own version of utilitarian theory. I shall now discuss some objections of his to utilitarian theories in general.

9. Utilitarianism and Supererogatory Actions

Commonsense morality distinguishes between morally good actions we have a duty to perform, and morally good actions which go beyond the call of duty (supererogatory actions). But, as Rawls points out (p. 117), classical utilitarianism cannot accommodate this distinction because it claims that our duty is always to perform the actions likely to produce the *greatest* good for society. This would mean that, even if we were constantly engaged in the most heroic acts of altruistic self-sacrifice, we would merely do our duty, and no human action could ever be correctly described as supererogatory. I agree with Rawls that it is a serious shortcoming of classical utilitarianism that it cannot admit the existence of supererogatory actions, and draws the line between morally permissible and impermissible conduct at an absurdly high level of moral perfection.

This shortcoming, however, can be easily remedied without going beyond the principles of utilitarianism. The mistake of the classical utilitarians was to overlook the fact that people attach considerable utility to *freedom* from unduly burdensome moral obligations. It may be true (though this is by no means a foregone conclusion) that society will reach a higher level of economic prosperity and cultural excellence if its moral code requires all people all the time to act in the most public-spirited manner, and to set themselves the highest possible standards in their economic and cultural activities. But most people will prefer a society with a more relaxed moral code, and will feel that such a society will achieve a higher level of average utility—even if adoption of such a moral code should lead to some losses in economic and cultural accomplishments (so long as these losses remain within tolerable limits). This means that utilitarianism, if correctly inter-

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people's utility functions were found to be probabilistic, rather than deterministic. But this would not affect the basic validity of my analysis, though it would necessitate its restatement in a more complicated form.

[16] For a more detailed discussion of the epistemological problems connected with interpersonal utility comparisons, see my 1955 paper cited in footnote 5.

preted, will yield a moral code with a standard of acceptable conduct very much below the level of highest moral perfection, leaving plenty of scope for supererogatory actions exceeding this minimum standard.

10. Vagueness Versus Simplemindedness in Moral Philosophy

As Rawls correctly states (p. 320), the utilitarian concept of morality inevitably shows some degree of vagueness or indeterminacy because of its dependence on—more or less uncertain—interpersonal utility comparisons. Other authors have pointed out another source of indeterminacy, no less important, in the dependence of utilitarian morality on uncertain predictions about the short-run and long-run consequences of alternative social policies and institutional arrangements. As a result, two equally well-intentioned and well-informed, and equally intelligent utilitarians may very well disagree in many specific situations about what is socially useful or socially harmful and, therefore, also about what is right or wrong, and just or unjust, etc.

Rawls's own theory, of course, cannot completely escape such ambiguities either, but it is certainly much less affected by them than utilitarian theories are. First of all, Rawls's basic postulate, the difference principle, is much less dependent on interpersonal utility comparisons than the basic utilitarian principles (for example, the principle of average utility) are; therefore, it yields more specific practical conclusions than the latter do in many cases. In addition, Rawls supplements the difference principle by second-order rules, which are supposed to rank the major values of human life according to their relative moral importance. Thus, for example, according to Rawls, people's basic liberties should always be given absolute priority over their economic and social interests, etc. Clearly, if we are willing to accept such rigid second-order rules of priority, then they will often go a long way toward deciding our moral uncertainties in a fairly unambiguous manner.

Yet, I very much doubt that this is really an advantage. It seems to me that the uncertainties of utilitarian morality merely reflect the great complexity and the unavoidable dilemmas of real-life moral situations. Simple minded rigid mechanical rules cannot possibly do justice to the complexity of moral problems; and they cannot resolve our moral dilemmas satisfactorily, because they cannot help choosing the wrong horn of the dilemma in many important cases.

For example, there are good reasons to believe that in an underdeveloped country in many cases economic growth cannot be set in motion without concentrating a good deal of power in the hands of the government and perhaps even without *some* curtailment of civil liberties (though this does not mean that there is any need or justification for a complete suppression of civil liberties as practiced by the arbitrary dictatorial governments now existing in many of these countries).

Who is the moral philosopher to lay down the law for these countries and tell them that no amount of economic and social development, however large, can ever justify any curtailment of civil liberties, however small? Should we not rather say, with the utilitarian philosophers, that judgments about any particular policy must always depend on the balance of the advantages and disadvantages it is likely to yield, and that the main task of the moral philosopher is to ensure that people will not overlook any major advantage or disadvantage in reaching a decision?

11. Saving as a Moral Duty to Future Generations

What proportion of national income ought to be saved as a matter of moral duty (as a matter of justice) to future generations? As Rawls rightly argues (p. 286), utilitarianism (at least as it is usually interpreted) gives an unsatisfactory answer to this question, in that it seems to require unreasonably high savings. The mathematical problem of computing the morally optimal amount of savings under utilitarian criteria was solved by Keynes's friend, the brilliant economist-philosopher Frank P. Ramsey, in 1928.[17] Of course, the numerical answer depends on the utility functions used. But Ramsey showed that, if we use reasonable-looking utility functions, then the utilitarian model may easily yield optimal savings amounting to much more than one half of national income, which is clearly an unacceptable conclusion.

How well does Rawls's own theory deal with this problem? It is easy to verify that the difference principle would suggest *zero* net savings from one generation to another. This is so because, even without any net savings, as a result of mere technological progress, future generations will be much better off than the present generation is, anyhow (provided the population explosion can be brought under control). Therefore, any positive net saving would be inconsistent with the difference principle since it would amount to a transfer of economic resources from a much poorer generation to much richer generations. Thus, while utilitarian theory seems to require unduly high savings, Rawls's difference principle would certainly require unduly low (viz., zero) savings.

Rawls is aware that the difference principle would have this undesirable implication (p. 291).

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[17] Frank P. Ramsey, "A Mathematical Theory of Saving," *Economic Journal*, 38 (December, 1928), 543–559.

Nevertheless, surprisingly enough, he seems to imply that his theory handles the saving problem much *better* than utilitarian theory does (pp. 297–298). The truth is that he can avoid the zero-savings conclusion only by giving up the difference principle altogether in dealing with the saving problem, and by replacing it with a completely *ad hoc* motivational assumption. (Whereas in all other respects he makes the participants of the original position complete egoists, in this one respect, viz., in relation to future generations, he endows them with considerable altruism.) Of course, by introducing *ad hoc* assumptions of its own, utilitarianism could just as easily avoid the unwelcome logical necessity of enjoining excessive savings.

In actual fact, in order to obtain a reasonable solution for the problem of optimal savings in terms of utilitarian principles, we have no need for *ad hoc* assumptions. All we have to do is to take a second look at Ramsey's utility functions. The utility functions he postulates seem to be reasonable enough if they are meant to measure the utility that a given individual in the present generation would derive from higher income levels (on the assumption that other people's incomes would remain more or less unchanged). But they greatly overstate the extra utility that future generations are likely to derive from higher incomes as a result of substantially increased saving and investment by the present generation. There are at least three reasons for this:

(1) The *risk effect:* there is always a considerable risk that future changes in technology and in social customs will drastically reduce the benefit that future generations would derive from investments undertaken by the present generations. (For instance, the United States and some European countries invested very large amounts of money in building canals just before the railway age. These huge investments almost completely lost their usefulness very soon thereafter as a result of railway construction.)

(2) The *relative-income effect:* a rise in a given person's income, when other people's incomes remain largely the same, will tend to increase his social status. But if his income rises as a result of a general increase in society's income then of course this effect will be lost. Therefore, in the former case the rise in his income will produce a much greater increase in his utility than it will do in the latter case.

(3) The *inherited-wealth effect:* inherited wealth often has a very powerful influence on human motivation. Some of this influence may be beneficial. (People born into very rich families often develop highly idealistic and altruistic attitudes, and may take a strong interest in social causes or in political, philanthropic, and cultural activities.) But some of this influence may be highly detrimental for a person's chances of leading a happy and socially useful life. (People born into very rich families often lack all interest in serious work, including altruistic or intellectual work; and they may be offered so many opportunities to amuse themselves that they may lose all ability to enjoy the normal pleasures of human life.) It is not unreasonable to assume that if society as a whole inherits very high levels of material abundance, so that there is very little pressure on the average man to earn a living by serious work, then the negative effects are likely to predominate. (We can already see some indications of this in our own society.) Therefore, the net benefit that future generations are likely to derive from increased saving and investment by the present generation may be much smaller than at first one might think.

Thus, if the likely utility of much higher incomes to future generations is reassessed in a more realistic manner then utilitarian theory will yield much lower levels of optimal savings, and in fact will furnish a completely satisfactory solution for this problem, without any need for *ad hoc* assumptions.

12. The Stability of a Just Society

Rawls raises a very interesting problem, so far largely neglected by moral and political philosophers. Suppose there is a society with a strong sense of justice among its citizens, and with completely (or almost completely) just institutions. Would such a society be stable? He strongly argues that the answer is in the affirmative (pp. 490–504). He also suggests that a society based on his own conception of justice would be more stable than one based on a utilitarian conception (p. 498).

The just society he describes in this connection, however, is not merely an improved version of the best societies now existing; rather, it is unlike any society known to political scientists or historians or other competent observers. It is a society where citizens and legislators are never motivated by their own selfish interests or (in the case of the legislators) by the selfish interests of their constituents, but rather are always motivated by their strong sense of justice. As such, this society is almost the opposite of the society pictured in Anthony Downs's *An Economic Theory of Democracy*.[18]

Of course, Rawls is quite right in rejecting Downs's motivational assumptions as a fully realistic picture of human motivation. It is certainly not true that ordinary citizens never care about anything but their narrow economic (and perhaps other) self-interest, or that politicians never care about anything but their chances for election or reelection. Indeed, it is quite clear that under *some* conditions many rich people will strongly support legislation benefiting the poor but greatly increasing their own taxes (though it is much less clear under what conditions this will or will not happen). Again, we have all seen elected officials follow their own moral and political convictions and make highly unpopular decisions, greatly endangering their prospects for reelection (and sometimes we wished they did not, while at other times we were glad they did). Indeed, it is quite obvious that Downs does not claim that his oversimplified motivational assumptions are literally true; all he claims is that our political system operates most of the time *as if* these motivational assumptions *were* correct.

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[18] Anthony Downs, *An Economic Theory of Democracy* (New York: Harper and Brothers, 1957).

Nevertheless, the fact that Downs's motivational assumptions come so close to being true, should make us stop to think before accepting Rawls's theory of stability. Should we not take this fact as an indication that the very high levels of public-spirited motivation that Rawls assumes for his just society, would be intrinsically *unstable?* Indeed, our historical experience seems to show that whole societies can achieve such motivational states only for rather short periods (e.g., during revolutions or some very popular wars). The same experience also shows that these highly idealistic—and often highly fanatical and intolerant—motivational states of a society are far from being an unmixed blessing.

It seems to me that any healthy society needs a proper balance between egoistic and altruistic motivation. Without political leaders fighting for altruistic objectives, or without private citizens giving them political support, present-day democratic societies would not have achieved even that, no doubt imperfect, level of social justice and of good government they currently enjoy.

On the other hand, political movements based largely or wholly on well-understood self-interest are an equally essential component of any political system. Citizens pressing for their sectional economic interests may be very biased judges of the public interest, but at least they are well-informed judges in most cases. In contrast, citizens pursuing highly altruistic objectives might often fight for causes about which they know very little, or about which they have strikingly one-sided information. Steelworkers pressing for their own economic interests will at least know what they are talking about. But faraway benevolent millionnaires fighting for the steelworkers' interests might have very mistaken ideas about what these steelworkers really want or need. A society where everybody neglects his own interests, and is busily looking after everybody else's interests, probably would not be a very stable society—and certainly would not be a very happy one.

Accordingly, it seems to me that a just society with a reasonable prospect for social stability would *not* be a society where ordinary citizens and legislators would be primarily motivated by their sense of justice. Rather, it would be a society where most people would be motivated by the normal mixture of egoistic and altruistic interests. Of course, it would have to be a society where people have a strong sense of justice—but this does not mean that a pursuit of justice would have to be their main and continual preoccupation. It only means that they would have to show enough respect for justice so as to stop pressing their own egoistic—and altruistic—objectives *beyond* the point where they would violate the just legal and moral rights of other people; and so as to fight for restoring these rights if they have been violated by injustices of the past.

13. Conclusion

To conclude, in spite of my numerous disagreements with Rawls's theory, I strongly recommend his book to all readers interested in moral and political philosophy. He raises many interesting and, to my mind, highly important problems, even though some of us may question the solutions he proposes. The author's serious concern for truth and justice is evident on every page of the book. He makes a real effort to look at both (or all) sides of every difficult or controversial problem, and to reach a fair and balanced conclusion. Where he touches on problems of topical interest, he does not hesitate for a moment to express unpopular views, for example, by pointing out the possible destabilizing effects that very widespread civil disobedience might have on democratic institutions (p. 374). In the political climate of Harvard in the late 'sixties or early 'seventies it must have required no little moral courage to express such an opinion.

We live in an age where our moral attitudes are rapidly changing, and so are many of our social institutions, with end results very hard to predict; where traditional world views are more and more replaced by a world view based on science and depriving man of his privileged position in nature; where the fast progress of technology poses very difficult moral dilemmas and is likely to pose incomparably more difficult ones in the not-too-distant future (e.g., when it may become feasible to double the present human life span, opening up new dimensions for the problem of overpopulation; or when it may become possible to undertake large-scale genetic and reproductional engineering; or when robots and computers truly competitive with humans may become available, and so on). In an age like this, any investigation into the criteria of rational choice between alternative moral codes is of much more than merely theoretical significance.

Therefore, there is no question whatever in my mind that Rawls poses problems of the greatest importance. But this is precisely the reason why I feel it is important to *resist* the solutions he proposes for these problems. We should resist any moral code which would force us to discriminate against the legitimate needs and interests of many individuals merely because they happen to be rich, or at least not to be desperately poor; or because they are exceptionally gifted, or at least are not mentally retarded; or because they are healthy, or at least are not incurably sick, etc. We should resist such a moral code, because an alternative moral code, the utilitarian one, is readily available to us; and the latter permits us to give equal *a priori* weight to every person's legitimate interests, and to judge the relative importance of any given need of a particular person in each case by its merits, as assessed by commonsense criteria —rather than forcing us to judge them according to rigid, artificial, and often highly discriminatory rules of priority.

Postscript

This paper was written in May 1973. In the meantime, John Rawls has tried to answer some of my criticisms in a paper entitled "Some Reasons for the Maximin Criterion."[19] His defense to the counterexamples I have put forward against using the maximin principle as a moral principle (in Section 3 of the preceding paper) is that "the maximin criterion is not meant to apply to small-scale situations, say, to how a doctor should treat his patients or a university its students. . . . Maximin is a macro not a micro principle" (p. 142). Regretfully, I must say that this is a singularly inept defense.

First of all, though my counterexamples do refer to small-scale situations, it is very easy to adapt them to large-scale situations since they have intrinsically nothing to do with scale, whether small or large. For example, instead of asking whether a doctor should use a life-saving drug in short supply for treating patient A or patient B, we can ask whether, in allocating scarce medical manpower and other resources, society should give priority to those patients who could best benefit from medical treatment, or should rather give priority to the most hopelessly sick patients—a policy problem surely affecting several hundred thousand individuals in any major country at any given time. Or, again, instead of asking whether scarce educational resources should be used for the benefit of individual A or individual B, we can ask whether, in allocating educational expenditures, society should give priority in certain cases to several hundred thousand highly gifted students, who could presumably benefit most, or to several hundred thousand seriously retarded individuals, who could derive only minor benefits from additional education, etc. I am really astonished that a distinguished philosopher like Rawls should have overlooked the simple fact that the counterexamples I have adduced (and the many more counterexamples one could easily adduce) have nothing whatever to do with scale at all.

In fact, it would be *a priori* rather surprising if, at the most fundamental level, the basic principles of morality should take different forms for large-scale and for small-scale situations. Does Rawls seriously think that there is a certain number x, such that a situation involving *more* than x people will come under moral principles basically different from a situation involving *fewer* than x people?

In any case, what moral considerations will determine this curious boundary number x itself? More fundamentally, what are the basic logical reasons that should make large-scale and small-scale situations essentially different from a moral point of view? I cannot see how anybody can propose the strange doctrine that scale is a fundamental variable in moral philosophy, without giving credible answers to these questions at the same time.

I have argued that in *most* situations Rawls's theory will have much the same policy implications as utilitarian theory does, but that there are *some* important situations where this is not the case. Moreover, I have tried to show that, in those situations where the two theories do have quite dissimilar policy implications, Rawls's theory consistently yields morally highly *unacceptable* policy conclusions whereas utilitarian theory consistently yields morally fully *acceptable* ones (Sections 3 and 4 of the preceding paper).

Arrow has expressed a similar view.[20] After saying that in the real world the maximin principle and the utilitarian principle would have very similar practical consequences, he adds: " . . . the maximin principle would lead to unacceptable consequences if the world were such that they [these consequences] really differed." My only disagreement with Arrow is that I think the world is in fact so constituted that these two principles *do* have very different practical consequences in some important cases. (In effect, in some parts of his paper, Arrow himself seems to admit that much—pp. 251–252.) But we do agree on the main point, viz., on the conditional statement that, *if* such differences exist, they all speak very strongly against the maximin principle.

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[19] John Rawls, "Some Reasons for the Maximin Criterion," *American Economic Review*, 64, Papers & Proc. (May, 1974), 141–146.

[20] Kenneth J. Arrow, "Some Ordinalist-Utilitarian Notes on Rawls's Theory of Justice," *The Journal of Philosophy*, 70 (May 10, 1973), 255.

In my opinion, if this criticism is valid, then it completely disqualifies Rawls's theory as a serious competitor to utilitarian theory. (Why should anybody choose a theory that often does much worse, and never does any better, than utilitarian theory does?) For this reason, I find it rather unfortunate that Rawls's paper does not even try to answer this criticism at all.

To be sure, the maximin principle does have its valuable uses, and we must be grateful to Rawls for calling our attention to it. Even if it cannot serve as a *basic* principle of moral *theory*, it can be used as a principle of approximate validity in practical *applications*, such as the theory of optimal income distribution or of optimal taxation. In such applications, its relative independence of detailed interpersonal utility comparisons, and of the actual mathematical form of people's von Neumann-Morgenstern utility functions for money, is an important advantage, and can be fruitfully exploited in economic studies.[21]

Of course, from the point of view of a utilitarian observer, the results of a study of, e.g., optimal income tax rates, based on the maximin principle, will have only approximate validity. For example, if the study finds that, owing to the disincentive effect of very high marginal tax rates, the marginal income tax for the highest income group should be (say) 50 per cent, then a utilitarian observer can infer that this tax rate should certainly be *no more* than 50 per cent. Indeed, he can infer that, if the study had been based on the average utility principle instead of the maximin principle, then the marginal tax rate at the top would have come out presumably *a little lower* than 50 per cent, though perhaps not very much lower. (Sensitivity analysis may even enable us to estimate the actual percentage points by which studies based on the maximin principle are likely to overestimate the optimal tax rates for various income groups.)

It is regrettable that Rawls has ever made the untenable claim that he is proposing a moral *theory* superior to utilitarian theory. This claim can only obscure the practical merits of the maximin principle as an easily applicable postulate of approximate validity. These practical merits of course do not in any way provide a reason for abandoning utilitarian moral philosophy. (Basic philosophical principles must be exactly right, and not merely approximately right.) But they do provide a reason, even for a utilitarian moral philosopher, to use the maximin principle as an admissible approximation in many cases. Had Rawls only made this more modest, but much more realistic, claim for the maximin principle, few people would have contradicted him.

One thing that all of us must have learned in the last fifty years is that we must never commit ourselves seriously to moral principles or political ideologies that are bound to lead to morally utterly *wrong* policies from time to time—however great the advantages of these principles or ideologies may be in terms of administrative convenience, ease of application, and readier understandability.

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[21] Arrow, p. 259.

Justice as Fairness: For Groups?*

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John Rawls's declared aim in *A Theory of Justice* is "to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract. . . . "[1] In pursuing that aim Rawls imagines an original situation in which the principles of justice are worked out, and he fixes specifications for that situation designed to assure a disinterested outcome. For present purposes the crucial point is his specification that those in the original situation be individuals who speak only for themselves. This specification is not surprising in the light of earlier versions of the social contract theory—for example, those of Hobbes, Locke, and Rousseau. But, as in their cases, what Rawls does has fateful consequences for the theory, leaving us with scant guidance on some of the most significant theoretical and practical problems of justice that we face.

The problems relate to groups. The groups to which I refer are those distinguished by relatively fixed qualities such as race and language or by a set of fundamental beliefs and attitudes of comprehensive importance such as religion and nationalism. These groups commonly share a tradition and culture that set them apart, and the members tend to have a consciousness of kind. In practice many such groups demand what they regard as justice for themselves as collective entities; that is, they demand legal status and rights as collective entities. And when they get it, as they not uncommonly do, questions of justice for individuals get intertwined with questions of justice for groups, for differentiations occur among individuals depending on the group to which they belong. My contention is that to be satisfactory a theory of justice must concern itself with groups as well as with individuals, and thus that groups as such must somehow be represented in the original situation.

To develop this contention I will examine (1) intrinsic difficulties in the theory that Rawls presents, (2) certain alternative theories, and (3) practical policies and problems that need to be accounted for in theory. Then I will make suggestions looking toward a revised theory.

Difficulties in Rawls's Theory

Like other social contract theorists, Rawls assumes the division of mankind into societies, and it is suggestive that he does little to explain why the division is necessary or to identify the differences that lead to it. " . . . [A] society," he says, "is a more or less self-sufficient association of persons who in their relations to one another recognize certain rules of conduct as binding and who for the most part act in accordance with them" (p. 4). He also cites Aristotle's view that the sharing of a common understanding of justice makes a *polis* (p. 243). But that is about it. Rawls does little to characterize "a society" or to describe its composition. He does not speak of different kinds of societies, but gives the impression that in crucial respects they are alike, statements about one being applicable to all. Through most of the book the apparent assumption is that societies are homogeneous. From the first Rawls assumes that each society becomes a sovereign state, but no reason shows up why this should happen—why two or more societies should not unite in one state. He stipulates that those in the original situation "should care about the well-being of some of those in the next generation" (p. 128), but he does not make a comparable stipulation about racial, linguistic, religious, or national groups that are weak or disadvantaged or that cherish and want to preserve their distinctive characteristics and identity. Whether this omission is compensated for by the statement that "the parties are presumed to know whatever general facts affect the choice of the principles of justice" (p. 137) is doubtful. I do not see in the book a single reference to differences of language. Race is mentioned mainly to be ruled out as a ground for discrimination. Religion is mentioned at a number of points, but almost always with the individual believer in mind rather than the collective body of the faithful.

Especially on one page (p. 378), Rawls acknowledges the existence of nations. Once the principles of justice are worked out for individuals, he envisages the possibility of extending the interpretation of the original position and thinking of the parties as representatives of different nations. But then he immediately equates nations and states just as earlier he equated societies and states. It is

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[1] John Rawls, *A Theory of Justice* (Cambridge: Belknap Press of Harvard University Press, 1971), p. 11.

as if the fates had decreed that the only possible status for a nation or for a society is that of sovereignty. There are to be no multinational or multisocietal (or multiethnic?) states! Rawls says that "independent peoples organized as states have certain fundamental equal rights," and in this connection he speaks of "the *principle* of self-determination, the *right* [my italics] of a people to settle its own affairs without the intervention of foreign powers." The reference is to the internal self-determination of an already sovereign nation or people, not to external self-determination for groups within the state who might want to secede.[2] This is probably not an accident. Given an individualistic perspective and given a pronounced tendency to assume the homogeneity of societies, why should one think of groups that might want to secede? Moreover, if Rawls thought in terms of the right of groups to secede, he might have to grant special status and rights to groups that remain within the state. His societies might have to be plural or heterogeneous rather than homogeneous, and differentiation might have to occur between individuals depending on the group to which they belong. But if it is true that "independent peoples organized as states have certain fundamental equal rights," why should it not also be said that "peoples . . . have certain fundamental equal rights?" Why should they have to be independent and to be organized as states in order to have rights?

Rawls quite understandably emphasizes the principle of equal liberty. Among other things, this principle "requires that all citizens are to have an equal right to take part in, and to determine the outcome of, the constitutional process that establishes the laws with which they are to comply" (p. 221). In Rawls's view, the equal right to determine the outcome is most fully realized through bare majority rule, for when the constitution limits the majority, it thereby gives more than equal weight to the votes of those composing the minority (p. 224). Rawls lists some provisionally acceptable limits on majoritarianism, but in this connection he does not seem to be thinking of the kinds of limits that reflect concern for the status and rights of groups. The wisdom of the limits, he says, is to be judged "from the perspective of the representative citizen" (p. 229), which not only ignores groups but again suggests his assumption that societies are homogeneous. Rawls acknowledges the theory that representation should go not to individuals but to interests or regions or forms of culture; the interests of which he speaks, however, are class interests, and he explains his reference to regions and forms of culture by referring to the division of society into agricultural and urban elements. Supporting majority rule and assuming one man, one vote, he stresses that "where issues of justice are involved, the intensity of desire should not be taken into account" (p. 231). This is unexceptionable if it is assumed that the society is not seriously divided by race, language, religion, or national feeling, but what of plural or heterogeneous societies? How likely is it that bare majority rule will have results that are fair to a racial, linguistic, religious, or national group that is a permanent minority? If such a group is determined to have special status and rights within the state, is the intensity of the desire not to be considered?

Rawls's assumptions change when he comes to the subject of civil disobedience, for then he acknowledges the possibility that the state may contain minorities and that the minorities might be treated unjustly (p. 372). The only kind of minority that he names is a religious minority, which itself is noteworthy, but he intends his remarks to apply to other kinds as well. He says that there may be "many groups each equally entitled to engage in civil disobedience," and that the "ideal solution . . . calls for a cooperative political alliance of the minorities to regulate the overall level of dissent" (p. 374). Thus he has in mind action by organized groups and by alliances of such groups. Engaging in civil disobedience, these groups (singly or in alliance) would stand apart from the rest of society and would presumably bargain with government. But in keeping with his stance elsewhere, Rawls does not explicitly take up the question of whether they would be seeking justice for their members as individuals or whether they would be seeking recognition, status, and rights for themselves as collective entities. Apparently he has the former in mind, for he speaks of the "presumption in favor of restricting civil disobedience to serious infringements of . . . the principle of equal liberty, and to blatant violations of . . . the principle of fair equality of opportunity" (p. 372). But he also speaks of a legislature which outrageously violates equal liberty, "say by forbidding the religion of a weak and defenseless minority"—an act that would be directed not only against individual persons but also against a collective entity. In any event, if a minority group or an alliance of such groups in an ongoing society is to bargain with government either on behalf of its members or on its own behalf, why should such groups or alliances not be represented in the original situation when the principles of justice are first worked out? And why should it not be assumed that some of these groups would cherish and want to maintain their own culture and separate identity? In principle, why should this not be made possible without requiring the group to be a sovereign state?

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[2] Vernon Van Dyke, *Human Rights, the United States, and World Community* (New York: Oxford University Press, 1970), pp. 79-91.

Rawls says that "self-respect and a sure confidence in the sense of one's worth is perhaps the most important primary good" (p. 396), and that "the parties in the original position would wish to avoid at almost any cost the social conditions that undermine self-respect" (p. 440). Further, he says that "what is necessary is that there should be for each person at least one community of shared interests to which he belongs and where he finds his endeavors confirmed by his associates" (p. 442). This is fine as far as it goes, but especially in view of the acknowledgement of the importance of a "community of shared interests" it is odd that Rawls stops where he does. What is the relationship between the community of shared interests and the society or the population of the state? If the community of shared interests is a group within the society or population, and if members are to derive self-respect from identification with it, may it not need special legal status and rights? Suppose that the community of shared interests is a linguistic community. May it not want whatever status and rights are necessary to have school taught in the language of the community, and may it not want, as a community, assurance of representation in government? If the community of shared interests is a religious or national community, may it not have comparable desires? If it is a racial community, is the desire for special status and rights always illegitimate?

Rawls's principles of justice do not answer these questions. More broadly, Rawls treats the problem of justice as a problem relating to individuals, and he tends to conceive individuals in their separate personal capacities rather than in their capacity as members of ethnic and national groups. He acknowledges a problem of justice for groups as such only when they are sovereign. He ends up with prescriptions for individuals considered in isolation from each other not because people live this way but because of the unexamined assumptions and premises with which he starts.

Alternative Theories

The shortcomings of Rawls's theory are not unique to it. Existing alternative theories are unsatisfactory too, although a few include features that go in the right direction.

Since Rawls builds on the theory of the social contract, it is not to be expected that that theory, at least in its dominant form, would provide a satisfactory alternative. Robert A. Nisbet, in *A Quest for Community*, reviews the development of that theory in a way that is instructive for present purposes. He selects Bodin, Hobbes, and Rousseau in particular as authors whose works constituted an attack on the feudalistic hierarchical structure of society, producing a contract theory that juxtaposes the individual and the sovereign. As Nisbet says, "The theory of each man holds, successively, ever greater implications of destruction to the intermediate authorities of society, ever greater implications of centralized political power, and ever greater implications of cultural and social leveling of the population."[3] Rousseau explicitly declared that "if the general will is to be truly expressed, it is essential that there be no subsidiary groups within the state."[4]

Althusius advanced another form of the contract theory—in a sense a more promising form. In his eyes the original contracting parties were not individuals but communities: "cities, provinces, and regions agreeing among themselves" and establishing an essentially federal arrangement.[5] The weakness of the theory for present purposes is that Althusius spoke only of territorially delimited communities and that under his prescriptions the central government dealt only with the units of government at the next lower level. He did not provide for the kind of arrangement that exists, for example, in American federalism, where the central government has direct relationships both with governmental units at other levels and with individuals and where both states and individuals have status and rights under the constitution.

Otto Gierke advanced a form of the contract theory that is much more promising. Like Hobbes and unlike Althusius, he assumed that only individuals could be contracting parties, but he saw no reason why they should be limited to a single contract. If they could create a "sovereign Commonwealth" by contract, they could also create "Fellowships and local communities" in the same way. He regarded the Fellowships and local communities as Group-persons with a status intermediate between the individual and the sovereign, existing independently of the sovereign's will. They "had their own inherent rights, which were not abolished by the fact of inclusion in a higher sovereign group."[6] They had both moral and legal personality. What Gierke's theory needs is a supplement in two parts, one concerning the problem of limited or divided sovereignty that his theory entails and the other dealing with kinds of "Fellowships and local communities" that are acceptable. Whether it is necessary or desirable to endow "Fellowships and local communities" with a moral personality is open to debate.

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[3] Robert A. Nisbet, *The Quest for Community* (New York: Oxford University Press, 1953), p. 121.

[4] J.-J. Rousseau, "The Social Contract," in *Social Contract. Essays by Locke, Hume, and Rousseau*, ed. Ernest Barker (New York: Oxford University Press, 1962), p. 194.

[5] Johannes Althusius, *The Politics of Johannes Althusius. An Abridged Translation . . . by Frederick S. Carney* (Boston: Beacon Press, 1964), p. 62.

[6] Otto Gierke, *Natural Law and the Theory of Society, 1500 to 1800*, Tr. with an Introduction by Ernest Barker (Cambridge: At the University Press, 1934), I, 77, 138, 164.

Gierke influenced the English pluralists, John N. Figgis being prominent among them. Figgis spoke of the "natural associative instincts of mankind,"[7] and he believed that Group-persons or corporate personalities develop naturally and inevitably, existing in their own right and not at the pleasure of the sovereign.[8] He observed that society is a collection of individuals, but held that to stop with that observation is "woefully to misconceive the actual facts of social life . . . . " "What we actually see in the world is not on the one hand the state, and on the other a mass of unrelated individuals; but a vast complex of gathered unions . . . ," a *communitas communitatum*.[9] Figgis wanted especially the recognition of the church as a group with natural authority over its members, limited by the sovereign yet not dependent on the sovereign for its status and rights. "Instead of an iron uniformity, we need more and more a reasonable distinction of groups, all of which should be honorable . . . . The real question of freedom in our day is the freedom of the smaller unions to live within the whole."[10] Like Gierke, Figgis did not satisfactorily resolve the dilemma of sovereignty confronted by groups beyond sovereign control.

The odd thing about the other English pluralists—notably the early Harold Laski and G. D. H. Cole—is that they gave scarcely a passing glance at the kinds of groups in question here—racial, linguistic, religious, and national groups. Large numbers of such groups existed in the British Empire, and in the United Kingdom itself there were and are divisions based on three if not four of these characteristics. Moreover, religious, linguistic, and national divisions are reflected in British law and policy. Religious divisions are reflected in the fact that the government administers schools on behalf of various denominations, maintaining their denominational character, and in the fact that the wearer of the Crown must be a defender of the faith of one section of the people. Linguistic divisions are reflected in the fact that, for example, Welshmen who come to Westminster must speak in English. National divisions are reflected in the fact that the countries of the United Kingdom (England, Scotland, Wales, and Northern Ireland) are separate units for purposes of representation in the House of Commons. One would expect pluralists to be conscious of these divisions, but those who wrote around the close of World War I apparently were not. They wrote in terms of associations, functions, and interests, suggesting, for example, that interests rather than individuals ought to be represented in legislative bodies; but their eyes were turned to associations, functions, and interests other than those relating to race, language, religion, and nation—mainly to those having to do with vocational and economic concerns. (Rawls, it might be noted, does something comparable. He says that "a well-ordered society . . . is a social union of social unions," and that the social unions are "of many different kinds" (p. 527). But if he were thinking of ethnic and national groups as "social unions," he would surely treat the subject differently.)

Corporatist theories have also been advanced, and the record of fascists in applying them gives warning about their nature and implications. They are identified primarily with dictatorial and oppressive government, with a stress on order and a denial of rights, with totalitarian controls. They have little to offer those whose concern is for a theory that gives appropriate attention not only to individuals but also to intermediate groups.

The Practical Problem

In practice groups often enjoy legal status and rights that are not accounted for in theory, either in Rawls's theory of justice or in any other. In some cases the differential status and rights of groups can simply be condemned on the ground that the requirements of justice are violated, but in other cases that is not true. Variations in circumstances and in practices are such that theory providing criteria of judgment is badly needed. The aim here is to illustrate the problem by citing groups that in fact have status and rights, whether justly or unjustly. In the main the references are to the legal or customary rights of groups as such—rights analogous to those that Rawls is willing to concede to "independent peoples organized as states" and analogous to the right that such peoples have to internal self-determination. In a few cases the reference is to rights that individuals have in their capacity as members of a group. The focus is on groups identified by race, language, religion, and nationality.

As indicated, the references here are to status and rights actually granted in law or practice. Whether groups as such should be said to have moral claims, as Gierke did, is open to argument. The alternative is to say that only individual human beings have moral claims, in which case the corollary is that some of the claims are satisfied by recognizing the rights of individuals as such, that others are satisfied by recognizing the rights of individuals in their capacity as members of a group, and that still others are satisfied by granting status and rights to the group as a collective whole.

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[7] John Neville Figgis, *Churches in the Modern State* (London: Longmans, Green, 1913), p. 47.

[8] *Ibid.*, pp. 42, 64.

[9] *Ibid.*, pp. 68, 80, 87.

[10] *Ibid.*, 90, 91, 51-52.

Racial groups have rights in Fiji, New Zealand, Rhodesia, South Africa, the United States, and various other countries.[11] In the first three of these countries each recognized racial group has a quota of seats in the central legislature, and in the fourth (South Africa) all seats are reserved for whites. Each group as such is assured of representation in a specified degree. No individual has a right to a seat, but it would be a violation of law if the named racial groups did not get the number of seats designated for them. These facts are clearcut and beyond argument. In the United States the situation is perhaps not so clearcut, but certainly a powerful argument can be advanced that in a given area minority communities as such have rights: they (the blacks, for example) have been discriminated against on a group basis and are now entitled to remedies and protection on a group basis.[12] As the courts say, they are "cognizable" as groups.[13] The very notion of racial gerrymandering suggests concern for the relative voting strength of racial groups; and the fact that the Voting Rights Act of 1965 is being interpreted to prohibit racial gerrymandering reflects a belief that the group under attack is entitled to protection.[14] Moreover, in some circumstances the distinction is not clear between a prohibition of racial gerrymandering and a requirement that electoral boundary lines be so drawn as to give the racial group a reasonable chance of obtaining representation.[15] That minority groups as such have rights is also suggested by court decisions in other realms. The integration of the schools is said to require the proportionate representation of racial groups in both the student body and the faculty, and the fact of non-discrimination in police and fire departments is said to be established only when minority groups have their due share of the jobs. Further, the United States deals with the Indian tribes on a group basis; for that matter, it is common over the world for indigenous peoples, often identified by race, to enjoy special status and rights.

Groups identified by language have special status and rights in Belgium, Switzerland, India, and many other countries. The constitution of Belgium specifies that the country consists of cultural communities, which are identified by language; each cultural community has the right to protect its linguistic integrity through regulations concerning the language of instruction in state-supported schools and, in a number of areas, the language of work. With the possible exception of the Prime Minister, half the members of the cabinet must come from the French-speaking community and half from the Dutch-speaking community. Switzerland has a somewhat analogous arrangement. India has cut a few states in two so as to satisfy language groups that did not have a state of their own. Tacitly or explicitly, multilingual countries (and a very high proportion of the countries of the world are multilingual, including the United States) make one or a very few languages national or official, and this implies special status for different linguistic groups and differential rights and opportunities for individuals depending on the linguistic group to which they belong.

Religious groups as such have status and rights in a number of countries. In Lebanon, seats in parliament are allocated to the various sects. In Cyprus, religion combines with language and national affinity in separating the Greeks and Turks, and the 1960 constitution of the country gave these two communities separate status and rights in extensive and meticulous detail. After the breakdown of the arrangements, one of the issues was whether rights should go only to individuals as such, or to individuals as members of communities, or to communities as such. Responding to this issue, the Consultative Assembly of the Council of Europe adopted a resolution which, after referring to the rights of individuals, went on to say that "international guarantees ought also to be provided for other rights belonging to the communities of the island."[16] In Northern Ireland the Catholics have been a permanent minority, never strong enough to gain representation in the executive branch of the government. Britain has unsuccessfully proposed that they be assured of such representation, meaning that as a minority they would have status and rights. Even in the United States the right to the free exercise of religion is being interpreted to give rights to religious groups. The fact shows up most sharply in the case of the Old Order Amish of Wisconsin who refused to send their children to school beyond the eighth grade, partly on the ground that to do so would threaten their church community with destruction. The Supreme Court accepted the argument and decided in their favor, saying that "compulsory school attendance to the age 16 for Amish children carries with it a very real threat of undermining the Amish community and religious practice as they exist today; they must either abandon belief and be assimilated into society at large, or be forced to migrate to some other and more tolerant region."[17] The immediate relief was given to individual parents in their capacity as members of a distinctive community so as to enable them to maintain it.

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[11] See Vernon Van Dyke, "Human Rights and the Rights of Groups," *American Journal of Political Science*, 18 (November, 1974), 725–741; and see statements by Donald Rothchild, *Racial Bargaining in Independent Kenya. A Study of Minorities and Decolonization* (New York: Oxford University Press, 1973), p. 3.

[12] *United States* v. *Jefferson County Board of Education*, 372 F. 2d 836 (1966) at 866.

[13] *United States* v. *State of Texas*, 342 F. Supp. 24 (1971), at 24; affirmed 466 F. 2d 519 (1972). *Howard* v. *Adams County Board of Supervisors*, 453 F. 2d 455 (1972) at 457.

[14] *Graves* v. *Barnes*, 343 F. Supp. 704 (1972), at 734. *Cousins* v. *City Council of City of Chicago*, 466 F. 2d 830 (1972) at 843. Cf. Robert N. Clinton, "Further Explorations in the Political Thicket: The Gerrymander and the Constitution," *Iowa Law Review*, 59 (October, 1973), 35-40.

[15] *United Jewish Org. of Williamsburgh, Inc.* v. *Wilson*, 377 F. Supp. 1164 (1974); 500 F. 2d 434 (1974). The brief filed in this case by the plaintiffs declared, "As the result of meetings with attorneys of the Department of Justice, acting under the direction of the Attorney-General, agents of the New York legislature concluded that it was their obligation, in the view of federal officials, to create more districts that contained at least 65 percent black population."

[16] Consultative Assembly of the Council of Europe, 16th Ordinary Session, 4th Part, Resolution 290 (1965), p. 2.

That national groups—national minorities—are judged to be entitled to separate status and rights is abundantly evident, both on the basis of treaties that concern them and on the basis of domestic constitutional arrangements—for example, constitutional arrangements allocating seats to them in one house of the legislature, as in the Soviet Union.

Special status and rights sometimes go to groups on a kind of a tacit basis. Although the French-speaking Catholics in Canada are not formally recognized for differentiating purposes, it happens that they are largely concentrated in the province of Quebec; and if any rational person had a free hand in redrawing the boundary lines of provinces in Canada he would surely take differences of language and religion into account. In multiethnic countries, it is a common thing for an unspecified "community of interest" to influence the drawing of the boundary lines of electoral districts. Even in the individualist United States, where the equal protection of the laws clause rules out discrimination, presidents are concerned about racial and ethnic representation on the Supreme Court and in the higher reaches of the executive branch, and party leaders regularly seek "balanced" tickets. Groups identified by race, language, religion, and nationality or national extraction get status and rights by usage and custom, although it would presumably be unconstitutional to grant them formally. Common sense and the necessities of practical politics lead to a modification and rectification of incomplete and inadequate theory. It is as if justice struggles to be born against the rules of those who misconceive it.

The grant of status and rights to groups necessarily leads to questions about justice for individuals. Justice for groups and justice for individuals cannot realistically be considered independently of each other. Seats in the New Zealand legislature reserved for Maoris cannot go to Europeans, regardless of the personal merits of the individual candidates. Children of French-speaking parents attending public school in the Dutch-speaking part of Belgium cannot be taught in their mother tongue. If the Greek and the Turkish Communal Chambers of Cyprus can each tax the members of their respective communities, inequalities in the tax burdens of the citizens are the likely result. If the Swedish-speaking national minority inhabiting the Aaland Islands wants to exercise its lawful preemptive rights, it can prevent any outsider—even other citizens of Finland—from acquiring property there. In all these cases, and in many more like them, the rights of individuals are modified by the rights of groups; and the rights of groups are limited by concern for the individual. These kinds of cases are simply not envisaged in the principles of justice and the priority rules that Rawls advances in *A Theory of Justice.*

Group Rights: Policies and Theories

The policies of individual governments and agreements among governments at the international level establish three principles of justice that are at issue here: (1) where concern for equality requires it, certain weak groups should have special protection; (2) where a group has been denied equality by discriminatory policies and practices, compensatory justice should be afforded; and (3) special status and rights should be extended to some groups to enable them to survive.

The theoretical general acceptance of the first two of these principles is clear. Groups around the world described as indigenous are generally weak, and it is everywhere agreed that special measures in their behalf are commonly justifiable if not imperative. As in the case of the American Indians, reservations are often established for them. Specific arrangements are sometimes questioned as unfair (or denounced, as in the case of the reserves that the whites of South Africa establish for the blacks), but the principle is not. It is set forth, for example, in the Indigenous and Tribal Populations Convention (1957), sponsored by the International Labor Organization.

Affirmative action programs in the United States are evidence of the second principle. Although they are sometimes directed toward justice at the individual level, they also sometimes (as is argued above) consider the group as a whole. India's compensatory justice programs likewise provide for groups as such. On achieving independence, a number of the countries of black Africa adopted programs of "corrective equity," taking measures to promote the fairer representation of different racial groups in educational institutions and in the public service.[18] The International Convention on the Elimination of All Forms of Racial Discrimination (1965) specifically requires the parties "when the circumstances so warrant, [to] take . . . special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms."

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[17] *Wisconsin* v. *Yoder,* 406 U.S. 218 (1971).

The third principle is not as clear cut, nor is it as clearly and as widely accepted. But there is evidence to support it. Not only is the right of internal self-determination conceded, as Rawls says, but so is the right of "peoples" to external self-determination and thus to independence. Moreover, as in the case of Puerto Rico and the Cook Islands, the exercise of the right of external self-determination can lead the group to a status other than independence. The numerous treaties, international agreements, and domestic arrangements relating to national minorities are intended to give these minorities a status that facilitates resistance to assimilationist pressures. Arrangements such as those mentioned above relating to ethnic groups in Cyprus, the Fiji Islands, Lebanon, and New Zealand constitute a recognition of a group right of survival, and so does the decision of the Supreme Court in the case of the Old Order Amish. Just as governments accept constitutional limitations on their freedom of action with respect to individuals, so do they accept obligations with respect to groups; and in neither case is sovereignty impaired.

The two main problems about the third principle are the criteria for identifying the groups that should be granted special status and rights, and the criteria for determining what their status and rights should be. The first question is somewhat analogous to questions about the recognition of states and of governments in international law. Even more it is analogous to the question to which Rawls gives such a scant answer: what constitutes a society? Answers to it, however satisfactory or unsatisfactory, are contained in United Nations documents. One is that "peoples" qualify; "peoples" have a right of self-determination, and "peoples" are defined as the inhabitants of dependent territories. Ethnic groups in the metropolitan territory of sovereign states are not "peoples," at least not with respect to the right of self-determination. The view has obvious shortcomings. More helpful is a resolution adopted by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities. Assuming the desirability of "enabling recognized minority groups to maintain their cultural heritage when they desire to do so," it suggested that to be entitled to recognition a group should (1) be nondominant, (2) "possess and wish to preserve stable ethnic, religious or linguistic traditions," and (3) "include a number of persons sufficient by themselves to preserve such traditions. . . ."[19] The resolution goes in the right direction and provides a basis for argument and discussion, but difficult problems remain. Should the right to maintain a cultural heritage be confined to minorities—to the nondominant? As of 1920, should the Arab population of Palestine have had the right to maintain itself against the dangers that Jewish immigration entailed? If so, and if the Aaland Islanders have a right to restrict the immigration even of other citizens of Finland, how about a white suburb in the United States? Do the whites of Rhodesia (5 per cent of the population) and of South Africa (20 per cent) have a right to maintain what they regard as a white civilization? If one language group consists of 1000 persons and another of 100,000,000, and if both want to maintain their linguistic identity, should public policy seek to make it possible in each case? With respect to individuals argument occurs over the question when the right to life begins—whether at the moment of conception or at the moment of birth or at some point in between. With respect to groups, even the moment of birth can rarely if ever be identified, still less anything analogous to the moment of conception. Moreover, especially in the case of very small linguistic groups and in the case of obscurantist religious groups, to assure a right of group survival is to restrict the opportunities of individual members for full self-realization. Assimilation, involving the disappearance of the group, is sometimes desirable.

The second question, concerning the criteria for determining what status and rights groups should have, is even more difficult. The general spirit and thrust of Rawls's work relating to individuals should also apply to questions about status and rights for groups, but even so, it is not at all obvious how some of the questions should be handled. In multilingual situations, for example, decisions about the language to use in government, in schools, and in work are bound to produce differential advantages and disadvantages both for individuals and for linguistic groups as such.

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[18] Donald Rothchild, "Kenya's Africanization Program: Priorities of Development and Equity," *American Political Science Review,* 64 (September, 1970), 737-753.

[19] E/CN.4/641, Annex 1.

Neither of Rawls's principles of justice gives much guidance. According to the first principle, "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all." How does that apply to the choice of a language? According to the second principle, "Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged . . . and (b) attached to offices and positions open to all under conditions of fair equality of opportunity" (p. 302). Again, how does that apply to the choice of a language? If race is accepted as the characteristic identifying some groups that are conceded a right of survival, what kinds of status and rights are least likely to sustain or promote racism? The translation of Rawls's first principle into group terms would surely preclude systems of racial domination and discrimination like those of South Africa and Rhodesia, but would it preclude systems of racial differentiation like those of New Zealand and the Fiji Islands? What would such a translation entail for countries with established religions, particularly for countries where the established religion has a legal monopoly on education, and perhaps on government as well?

It is frustrating to end without answers to such questions. The main point is that, no matter how well a theory of justice provides guidance for the treatment of individuals in a homogeneous society, it needs to be supplemented to make it respond more fully to the realities of the world in which we live. It is arbitrary to assume that justice is only for individuals, or only for individuals and states. To put it differently, it is arbitrary to assume that groups can and should gain status and rights only by becoming states. *Groups in fact have status and rights at an intermediate level between the individual and the state, and it is imperative for a theory of justice to take this fact into account.*

The statement is made above that Rawls should have provided for the representation of groups in the original situation. If he prefers simply to make sure that individual members know how divided mankind is, and how divided the population of almost all states is, then they presumably would take group differences and group interests into account even if not formally appointed or elected to do so. The principles of justice at which Rawls himself arrives, however, indicate that awareness of these problems (or action reflecting that awareness) cannot be assumed. Somehow the social contract theory in its dominant form neglects the obvious.

Justice and Rationality: Some Objections to the Central Argument in Rawls's Theory*

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Introduction: "Justice as Fairness"

Rawls[1] proposes that questions of justice be considered a part of the theory of rational choice:[2] a just allocation of social goods, he argues, should be determined by a rational decision performed under fair conditions. Furthermore, if such a choice were to be appropriately defined, a preferred conception of justice, he claims, could be founded on a kind of social contract:[3] it could be said to represent the choice that we ourselves would make to the extent that we were rational, under circumstances that were fair.

The most important of the specific conditions of fairness which together constitute the "original position," is a "veil of ignorance,"[4] intended to shield rational agents from the knowledge of any contingencies which they might later exploit to the disadvantage of others. The basic idea is that they are to select principles of social cooperation, knowing that they are to live in the society which results, but not knowing the circumstances they are to occupy within it. No one is to know: "his place in society," "his fortune in the distribution of natural assets and abilities," nor even "his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology."[5]

Control of information is thus meant to insure a kind of "pure procedural justice," because the outcome is to be free of contaminations by any "aspects of the social world that seem arbitrary from a moral point of view."[6] Just as the cake cutter[7] who chooses his own piece last cannot design the slices to his own benefit because he does not know which piece will be left for him, the agent in the original position, we are told, cannot design the principles of justice to his own advantage because, at the time of choice, he does not know his future circumstances in that society.

The immediate questions about this theory are of two kinds: they concern, on the one hand, the "fairness" of the conditions to be imposed on the choice and, on the other hand, the "rationality" of the principles to be chosen under those conditions. We will set aside the first area of controversy here in order fully to explore the second. We will accept, for purposes of discussion, the premises of Rawls's argument, i.e., the conditions of the original position and the information available to its participants, in order to argue against his conclusion, i.e., the particular list of principles which he proposes.

The General and Special Conceptions. Rawls proposes both a "general" and a "special" conception of justice. The general conception is linked directly to his argument for the rationality of "maximin"— maximizing the minimum share of the goods in question distributed to anyone. According to this general conception:

> All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored.[8]

As a special case of this "general conception" Rawls also develops an argument for the "two principles"[9] which comprise his "special conception." These "two" principles really amount to three specific claims, each of which appears to rest, in its own way, on the adoption of a maximin rather than probabilistic strategy of choice in the context of additional assumptions. These three claims are: first, the "priority of liberty" over economic benefits; second, the "difference principle"; and third, the doctrine of "fair equality of opportunity." Together they constitute the "special conception" as follows:

> (I) *First Principle*
> Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
> (II) *Second Principle*
> Social and economic inequalities are to be arranged so that they are both:
> (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and
> (b) attached to offices and positions open to all

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[1] John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971).

[2] *Ibid.*, p. 16.

[3] *Ibid.*, p. 11.

[4] *Ibid.*, p. 15.

[5] *Ibid.*, p. 137.

[6] *Ibid.*, p. 15.

[7] *Ibid.*, p. 85.

[8] *Ibid.*, p. 303.

[9] *Ibid.*, p. 302.

> under conditions of fair equality of opportunity.[10]

There are, in addition, priority rules such that any improvement in I is preferred over any improvement in IIa or IIb, and such that any improvement in IIb is preferred to any improvement in IIa, and lastly, such that any improvement in IIa or IIb is preferred to any improvement justified only by the principle of efficiency.[11]

The Central Argument

Rawls's central strategy of argument for the general and special conceptions of justice is to establish that they would rationally be chosen by agents in the original position. The main components in that argument, as well as the difficulties corresponding to them which I shall discuss, can be outlined as follows:

I.1 Rawls argues that the construction of the original position (a), the Doctrine of Rational Plans (b) and the other general information available in the original position (c) together support the "three chief features" of the choice situation (d) which determines its "qualitative anatomy" in favor of maximin.

I.1* I will argue that I.1 is false: (a), (b) and (c) do not imply (d).

I.2 Rawls argues that (a), (b) and (c) together also support the premises about primary goods (e) necessary to support the special conception.

I.2* I will argue that I.2 is also false: (a), (b) and (c) do not imply (e).

II.1 Rawls argues that the three chief features (d) support the general conception of justice (f).

II.1* I will argue that II.1 is also false: that even if our argument in I.1* were mistaken so that there were sufficient reasons for accepting the three chief features (d), that there would still not be sufficient grounds for accepting (f) because (d) does not support (f) as implied by II.1.

For these reasons, I hope to establish that the arguments for both the special and general conceptions of justice fail. The argument for the former conception fails as a result of I.2* above while the argument for the latter conception fails as a result of both I.1* and II.1*. I will also suggest, however, that a reformulation of the original position might possibly salvage the case for at least the general conception as follows:

III.1* I will argue that (a), with certain modifications, along with (b) and (c) would plausibly support the general conception (f).

In other words, a good case could be made that Rawls's most general conclusion (f) would indeed follow from his proposed premises with some substantial modifications. These modifications would allow the difficulties in I.1 and II.1 to be avoided. It should be noted, however, that such an alternative argument would be substantially different from the one put forward in *A Theory of Justice*. Furthermore, it would depend on the suitability of a modified original position as the preferred perspective from which to make such a choice. This latter question remains beyond the scope of this paper.[12]

I.1 The "Three Features" Favoring Maximin.

Rawls argues that there are "three chief features" of the choice situation which favor maximin as a rational strategy in the original position;[13] the general conception, it is thought, follows directly from the acceptance of maximin.[14] These three features, it should be emphasized, are intended as an argument against probabilistic strategies as much as they are intended as an argument in favor of maximin and, in turn, the general conception. For if maximizing an individual's utility is accepted as an account of his personal good—in preference to the good determined for him by his rational plan—then the principle of average utility turns out to be the principle most *likely* to secure that good for any individual from the perspective of the original position.[15]

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[10] *Ibid.*

[11] *Ibid.*

[12] For further discussions of the problem of justifying Rawls's proposed original position or of choosing from competing alternatives, see especially: Thomas Nagel, "Rawls On Justice," *The Philosophical Review*, 82 (April, 1973), 220–234; R. M. Hare, "Rawls' Theory of Justice—I," *Philosophical Quarterly*, 23 (April, 1973), 144–155; and Joel Feinberg, "Justice, Fairness and Rationality," *Yale Law Journal*, 81 (April, 1972), 1004-1031.

[13] Rawls, p. 154.

[14] *Ibid.*, pp. 150-6.

[15] This can be seen from the following:

> "His expectation is defined . . . by a weighted sum of utilities of representative individuals, that is, by the expression $\Sigma\ p_i u_i$ where p_i is the likelihood of his achieving the *i*th position, and u_i the utility of the corresponding representative man" (pp. 164–5).

Now, if an agent in the original position reasons according to the principle of insufficient reason that he has an equal likelihood of turning out to be any particular individual, then he may compute p_i in each case by determining the fraction which the *i*th person represents of the total population (in the case of one individual, $1/n$). His total prospect is thus

$$1/n\ u_i + 1/n\ u_2 + \ldots + 1/n\ u_n \text{ or } \Sigma\ u_i/n$$

The above expression, however, is identical to the average utility, for since the total utility must be $\Sigma\ u_i$ and the total number of persons is n, the average utility for a given society must represent the total utility divided by the number of its persons, or $\Sigma\ u_i/n$. Hence, the society which maximizes the average utility also maximizes the expectation of total utility for any individual in the original position—provided that one assumes he has an equal likelihood of turning out to be anyone. See especially pp. 164-5.

The first of the three features favoring maximin over this argument for average utility is that "the situation is one in which a knowledge of likelihoods is impossible, or at best extremely insecure."[16] Calculations of probability from behind the veil of ignorance would have to be based on the principle of insufficient reason; Rawls argues that this rule—that possibilities are to be considered equally likely in the absence of further information—is too artificial an assumption for a choice in which so much is at stake. Therefore, "the parties discount estimates of likelihoods not supported by a knowledge of particular facts and that derive largely if not solely from the principle of insufficient reason."[17]

The second and third features concern what Rawls calls the "qualitative anatomy" of the choice problem.[18]

> The person choosing has a conception of the good such that he cares very little, if anything, for what he might gain above the minimum stipend that he can, in fact, be sure of by following the maximin rule [Second Feature]. It is not worthwhile for him to take a chance for the sake of a further advantage, especially when it may turn out that he loses much that is important to him. This last provision brings in the third feature, namely, that the rejected alternatives have outcomes that one can hardly accept. The situation involves grave risks.[19]

The Thin Theory. The first of these three features is a direct consequence of the construction of the original position itself. Particular information which would provide an "objective basis" for estimates of probability would also provide a motive for principles tailored to special interests. Once there were a basis for determining one's probability of turning out to belong to a given group or of turning out to have a given characteristic, then one could design principles either favoring or exploiting that group (depending on whether the likelihood was high or low). As a result, Rawls concludes that an agent in the original position is to have access only to the general facts of human psychology, of economics and of other laws of human behavior; he is to have no information—even of a general sort—about the particular society for which he is designing principles.[20]

The remaining two features, however, are based on what Rawls calls "the qualitative structure of the possible gains and losses in relation to one's conception of the good."[21] The conception of the good upon which the choice is to be made is provided by the "thin theory":

> We need what I have called the thin theory of the good to explain the rational preference for primary goods and to explicate the notion of rationality underlying the choice of principles in the original position.[22]

It is the thin theory which must provide the necessary premises about the rational self-interest of individuals about whom nothing in particular may be known. The thin theory leads from the "doctrine of rational plans of life" to the "doctrine of primary goods" which is meant to supply the premises necessary for the choice of the proposed principles.[23] The argument is that an agent in the original position may further his own particular rational plan of life (whatever that may turn out to be once the "veil" is removed) by providing himself with those primary goods which it is claimed that he will rationally want regardless of whatever else he will turn out to want. Since the good of a person is defined as the furtherance of his rational plan, those principles which guarantee him a share of the primary goods necessary for that plan are certain to prove to be in his interests. In this way, Rawls argues that we may choose moral principles in the interests of a person while knowing nothing about him which does not apply equally to everyone else.

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[16] Rawls, p. 154.

[17] *Ibid.*, p. 173.

[18] *Ibid.*, p. 157.

[19] *Ibid.*, p. 154.

[20] According to what Rawls calls the "four-stage sequence" (pp. 195-201), particular facts will be revealed in due course, but only after the principles of justice are chosen. At that point enough information about the particular society is to be provided to allow for the intelligent design of a constitution and other policies for the just society. But since the principles of justice are supposed to have general applicability regardless of the particulars which may later be revealed, no factual information about the society in question is to be introduced at that stage of the deliberations. There is thus no basis for estimations of probability apart from the principle of insufficient reason which Rawls claims to be inadequate.

[21] *Ibid.*, p. 155.

[22] *Ibid.*, p. 397.

[23] Rawls introduces an additional premise which he calls the "Aristotelian Principle." He grants, however, that this "principle does not assert that any particular kind of activity will be preferred. It says only that we prefer, other things equal, activities that depend upon a larger repertoire of realized capacities and that are more complex" (429–30). It should be noted that this principle would in no way affect the indeterminacies we shall explore in the doctrine of rational plans as it is meant to support the relevant premises about primary goods. The addition of the Aristotelian Principle, in other words, would not provide the basis for Rawls's assumptions concerning the relative worth of liberty, equality of opportunity and income and wealth and the amounts required of each. Rational plans might be preferred, according to the Aristotelian Principle, because they are more complex or more inclusive even though those plans may require different primary goods or the same goods in a different order of priority.

Furthermore, we shall set aside the Aristotelian Principle in the discussion which follows because Rawls indicates that the argument is not meant to depend on it:

"The correctness of the definition of a person's good in terms of the rational plan for him does not require the truth of the Aristotelian Principle. The definition is satisfactory, I believe, even if this principle should prove inaccurate, or fail altogether" (433). For further criticism of the Aristotelian Principle, see Brian Barry, *The Liberal Theory of Justice* (Oxford: The Clarendon Press, 1973), pp. 27-30.

It is important to note that this account of a person's true interests based on his "rational plan" does not depend in the slightest on any actual tendency of persons in the just society to "plan" their lives with any coherence or in any way which is even consciously formulated. Rather: " . . . a rational plan is one that would be selected if certain conditions were fulfilled. The criterion of the good is hypothetical in a way similar to the criterion of justice."[24]

These rational plans are distinguished from other plans of life, we are told, first, in that they conform to certain "principles of rational choice" and second, in that they would be chosen by the person with "full deliberative rationality."[25] The principles of rational choice do not characterize particular aims as rational but rather "define rationality as preferring, other things equal, the greater means for realizing our aims, and the development of wider and more varied interests assuming that these aspirations can be carried through."[26] The concept of deliberative rationality, on the other hand, specifies as rational whatever plan we would choose "with full awareness of the relevant facts and after a careful consideration of the consequences."[27] Plans are thus rational to the degree that they involve an effective consideration of means for realizing our aims and a choice of aims made with full knowledge of conditions and consequences.

Our actual plans of life, of course, rarely approach this ideal of rationality. Thus, on Rawls's account, we are rarely in a position to make a judgment about our own true interests, since the final court of appeal for such questions is the plan that would be rationally chosen and not the one that is actually followed.[28]

Furthermore, agents in the original position are as unaware as persons in actual life of that particular ideal plan which they would choose for themselves with full deliberative rationality. The veil of ignorance conceals knowledge of their hypothetically rational plan as it does knowledge of their actual aims and circumstances. In other words, they do not know either the plan of life they are to live nor the most rational plan for them under those conditions. Thus they must choose principles in the interest of maximizing their own personal good without knowing the particular rational plan which would constitute the sole criterion for determining that good.

I.1* The Indeterminacy of Rational Plans.

It is the doctrine of rational plans which must support the "qualitative structure of possible gains and losses" alleged by the second and third features. My position will be that these two very strong assumptions are unwarranted by the doctrine of rational plans as Rawls develops it. Furthermore, since Rawls's case for maximin was based on the claim that the original position qualified as a "paradigm situation" in which "all three features are realized to the highest degree"[29] this objection to two out of the three features should prove a serious difficulty. (I will argue later in Section II.1* that even if all three features were accepted, they would still not justify maximin.)

Rawls's second and third features together constitute the assumption of a threshold:[30] for an agent in the original position, there is some share —"what he can, in fact, be sure of by following the maximin rule"—such that, on the one hand, "he cares very little if anything" for what he might gain above it (second feature), and such that on the other hand, he would regard anything less as a share "that one can hardly accept" (third feature).[31]

Yet how are we to interpret this threshold assumption in light of the "indeterminacy" which Rawls grants to the doctrine of rational plans?[32] He defines such plans as follows:

> A person's plan of life is rational if, and only if, (1) it is one of the plans that is consistent with the principles of rational choice when these are applied to all the relevant features of his situation, and (2) it is that plan among those meeting this condition which would be chosen by him with full deliberative rationality, that is, with full awareness of the relevant facts and after a careful consideration of the consequences.[33]

Condition (1) is satisfied by any plan consistent with (a) the "principle of effective means" which requires that "means" be efficiently employed toward the fulfillment of "ends"; (b) the "principle of inclusiveness" which requires that the larger set of desired ends be fulfilled in preference to one of its subsets; and (c) the "principle of the greater likelihood" which requires, other things being equal, that the plan more likely to be successful be chosen.[34]

It should be evident that a wide variety of plans requiring a wide variety of conditions for their fulfillment might well satisfy condition (1) defined in this way. Furthermore, condition (2), the requirement that a plan be chosen with full awareness of conditions and consequences, falls far short of resolving the difficulty. Any plan that *anyone* would choose for himself with full awareness in the "deliberative" sense and according to these principles of rational choice may thus qualify as rational. Furthermore, for any given individual, there is not one plan but a "maximal class of plans"[35] that might be reasonably chosen. Only the person himself may decide, in the final analysis, on that particular plan (drawn from the maximal class of plans) which alone[36] determines his good:

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[24] Rawls, p. 421.
[25] *Ibid.*, p. 408.
[26] *Ibid.*, p. 413.
[27] *Ibid.*, pp. 408, 416.
[28] *Ibid.*, pp. 409, 421.
[29] *Ibid.*, pp. 154–55.
[30] The term "threshold" to describe these assumptions is also used by Barry "The Liberal Theory of Justice," p. 97.
[31] Rawls, p. 154.
[32] *Ibid.*, pp. 449, 564.
[33] *Ibid.*, p. 408.
[34] *Ibid.*, p. 412.

> While rational principles can focus our judgments and set up guidelines for reflection, we must finally choose for ourselves in the sense that the choice often rests on our direct self-knowledge not only of what things we want but also of how much we want them.[37]

The theory would thus admit the possibility of differing accounts of the good of individuals who are in all other relevant respects identical. Consider, for example, two persons with the same "maximal class" of rational plans; their characteristics and situations are sufficiently similar that Rawls's procedure yields the same list for each. If, however, the plans that they would ultimately select from that list were significantly different—and nothing in the theory rules out that possibility—then each could claim that he should be treated differently, even though their two cases were otherwise identical. Furthermore, on Rawls's account, the grounds for their differential treatment could consist *just* in the fact that they had chosen differently, and not in any further reasons in support of their conclusions.

Thus, in principle, there are few, if any, limits on the variety which plans may assume and still qualify as rational. As Rawls admits: "From the definition alone very little can be said about the content of a rational plan, or the particular activities that comprise it."[38] We are asked, for example, to consider the following case:

> Imagine someone whose only pleasure is to count blades of grass in various geometrically shaped areas such as park squares and well-trimmed lawns. He is otherwise intelligent and actually possesses unusual skills, since he manages to survive by solving difficult mathematical problems for a fee. The definition of the good forces us to admit that the good for this man is indeed counting blades of grass, or more accurately, his good is determined by a plan that gives an especially prominent place to this activity. . . .[39]

How does the threshold of necessary goods required for the grass-counter's rational plan compare to the threshold which would be required by a rational plan for, say, an American presidential candidate or an aspiring collector of priceless art treasures? The proposed definition would permit a dizzying variety of plans—all of which must be provided for by the principles chosen in the original position. The reason for this latter difficulty is that an agent must guard against the possibility that he will turn out to be that particular person who, because of the peculiarities of his rational plan, is shortchanged by the choice. He cannot dismiss that eventuality as unlikely since, by hypothesis, he has no way of assessing risks. Once the principle of insufficient reason has been discarded, he has no admissible basis for taking into account the comparative likelihood of the various possible outcomes. While he must assume that he may turn out to be any given person, he cannot assume that each person is an equally probable possibility. Each possible rational plan, then, must be provided for by the principles chosen, for as long as such a plan might be adopted by *someone* and as long as it would indeed be rational according to the proposed criteria, it may, in fact, turn out to be the particular plan which determines the good relevant to that particular agent.

Now once it is granted that the definition of rational plans would require extreme disparities between the thresholds determined by different plans (if such thresholds were to apply at all) then it becomes evident that the proposed maximin choice procedure would require that the *highest* threshold determined by any plan must set the standard for everyone. For if there is no way of dismissing some plans as unlikely, and if an allocation which falls short of the threshold is, by definition, disastrous, then that possibility (whose probability is beyond further evaluation behind the veil of ignorance) must be avoided at all costs. Rawls, in fact, goes so far as to admit that because some plans may require far less than others, the higher demands should be met for everyone:

> Of course, it may turn out, once the veil of ignorance is removed, that some of them for religious or other reasons may not, in fact, want more of these goods. But from the standpoint of the original position, it is rational for the parties to suppose that they do want a larger share, since in any case they are not compelled to accept more if they do not wish to, nor does a person suffer from a greater liberty. Thus even though the parties are deprived of information about their particular ends, they have enough knowledge to rank the alternatives.[40]

Yet given the range of plans which may qualify as rational, the share of goods which must be guaranteed for everyone should prove far beyond the realm of the possible. For according to Rawls's second feature, the required level must be a satiation point—a share beyond which one rationally (in the specified sense) would require "little if anything."

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[35] *Ibid.*, p. 409.
[36] *Ibid.*, note 11, p. 408.
[37] *Ibid.*, p. 416.
[38] *Ibid.*, p. 423.
[39] *Ibid.*, p. 432.
[40] *Ibid.*, p. 143.

Such a satiation point, furthermore, must be the highest one required by any possible rational plan. A further difficulty is that the widest possible range of social states must be anticipated as well. For the principles chosen must hold "unconditionally, that is, whatever the circumstances or state of society."[41] As one critic has argued, there will be additional variation in the amount of primary goods required because "many past modes of life require little of what modern modes require. . . .[42]

Now whether or not variations in historical circumstances produce additional indeterminacies, it should be evident that the highest threshold of satiation which is required by *any* rational plan admissible according to the stated criteria must prove to be a level so high that it could be met for everyone only under conditions which fall outside of what Rawls defines as the "circumstances of justice." For one part of Rawls's definition of the problem of justice was that it arose when "natural and other resources" were not "so abundant that schemes of cooperation become superfluous."[43] Yet only under such impossibly ideal conditions could the satiation level in this sense be reached for everyone.

Hence we can conclude that the threshold level corresponding to the second and third "features" is unsupported by the premises available in the original position, in general, and by the doctrine of rational plans, in particular. In fact, these considerations lead to the conclusion that even were such a threshold to be defined, it would, by definition, not be applicable to the problem of justice.

I.2 From the "Primary Goods" to the "Special Conception."

Rawls's claim for the three features which would allegedly support maximin and the general conception is paralleled by his claim for the specific primary goods which would allegedly support the list of principles in the special conception. Once more the argument is based on the thin theory whose purpose is to secure the premises about primary goods required to arrive at the principles of justice.

The premises about primary goods which would be required to support the special conception are of two kinds: they concern, on the one hand, the amounts required of each primary good and on the other hand, the rational worth of each good in a ranking of "lexical"[44] order. Both of these premises are allegedly supported by the thin theory of the good, in general, and the doctrine of rational plans in particular. In both cases, I will argue that they are unfounded.

The Special Conception. The special conception of justice is composed of three separate principles in lexical order: the priority of liberty, the principle of fair equality of opportunity and the difference principle. Each principle is a special case of the general conception applied to one of the three kinds of primary goods: an agent in the original position we are told would choose to make the smallest share of the good in question as large as possible (at least up to a certain point), because he cannot tell, from behind the veil of ignorance, whether or not he will be the one to receive the smallest share. In this way, Rawls argues for the first principle that no one would want to accept less than the greatest equal share of liberty; similarly, he argues for the second principle that no one would want to accept less than fair equal opportunity; lastly, he argues for the difference principle that no one would want to accept less than the maximin share of income and wealth.

Each of these variants of the maximin argument depends on an assumption about the relevant primary good which we may refer to, once more, as the "threshold" assumption (corresponding to the second and third "features" which supported the general conception). The argument for the first principle, for example, depends on there being some share of liberty, *viz.*, the most extensive equal share compatible with an equal share for everyone else, which an agent in the original position would wish to guarantee for himself and below which he would find his allotment "intolerable."[45] Similar assumptions, it would appear, apply to the level of fair equal opportunities and to income and wealth.

Lexical Priority. Thus the three variants of the maximin argument corresponding to the three principles depend on the applicability of the threshold assumption to each primary good, in turn. Yet in order to support the special conception a second major set of assumptions would be required as well: the comparative worth of the primary goods would have to correspond to the ranking of "lexical" priority which Rawls wishes to establish between their three corresponding principles. His proposed principles are to be ordered "like words in a dictionary . . . moving to the right only when necessary to break ties."[46] The result is that we are required "to satisfy the first principle in the ordering before we can move on to the second, the second before we can consider the third, and so on."[47] The earlier principles thus have "an absolute weight";[48] no improvement, however large, corresponding to the second principle can outweigh any improvement, however small, corresponding to the first. Similarly, any decrease, however small, corresponding to the first principle must outweigh in importance any decrease, however large, corresponding to the second.

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[41] *Ibid.*, p. 125.

[42] Michael Teitelman, "The Limits of Individualism," *The Journal of Philosophy*, 69 (October 5, 1972), 545-556, p. 550.

[43] Rawls, p. 396.

[44] *Ibid.*, p. 42.

[45] *Ibid.*, p. 156.

These assumptions would have sweeping implications when applied to the list of principles Rawls proposes. Since the first principle (the priority of liberty) has lexical priority over the second half of the second principle (the principle of fair equal opportunities) which, in turn, has lexical priority over the first half of the second principle (the difference principle), there is to be a qualitative division among primary goods such that liberties have an absolute weight with respect to fair opportunities which have, in turn, an absolute weight with respect to income and wealth.

The absolute weight of each primary good in turn, however, only holds up to a point. Lexical ordering, we are told "presupposes that the principles . . . be of a rather special kind. For example, unless the earlier principles have but a limited application and establish definite requirements which can be fulfilled, later principles will never come into play."[49] What we have called the threshold assumption would then appear to have the additional function of allowing each principle to be "fully met"[50] so that the next one can come into play.[51] Liberties have "absolute weight" with respect to opportunities but only until the level defined by the first principle is reached: "the most extensive total system of equal basic liberties compatible with a similar system of liberty for all."[52] Similarly, improvements in fair equal opportunity have "absolute weight" with respect to income and wealth but only until the level defined by the second principle is reached. Not only must each of these levels be defined for the next principle to come into play, but the absolute weight of each one in turn must be justified for all the conditions which may arise once the veil of ignorance is removed.

I.2* Difficulties With the Special Conception.

This section will concern certain difficulties with the threshold and priority assumptions—assumptions which are both essential to the argument for the special conception. In each case I will argue that the assumption is either, on the one hand, lacking in its supposed basis in the premises determining the choice in the original position or, on the other hand, that it is lacking in its supposed consequences for the principles resulting from that position. In either case, the argument will be that these additional claims about primary goods cannot support the special conception just as the earlier claims (Section I.1) could not support the general conception.

The Priority of Liberty. The first of the three variants of the maximin argument is meant to support the first principle, the priority of liberty. Because of the "possibility" that agents will turn out to have strong "religious, moral or philosophical" convictions once the veil of ignorance is removed we are told that "they cannot take chances with their liberty by permitting the dominant religious or moral doctrine to persecute or to suppress others if it wishes. Even granting (what may be questioned) that it is more probable than not that one will turn out to belong to the majority (if a majority exists), to gamble in this way would show that one did not take one's religious or moral convictions seriously, or highly value the liberty to examine one's beliefs."[53] In other words, to admit even the possibility of sacrificing these convictions for other benefits is not to take seriously from the perspective of the original position, the possibility that one will turn out to have them and that they will be overriding. "An individual recognizing religious and moral obligations," we are told, must regard them "as binding absolutely in the sense that he cannot qualify his fulfillment of them for the sake of greater means for promoting his other interests."[54]

Yet the range of "basic liberties" which may not be sacrificed for other goods according to Rawls is far broader than is implied by this argument for the liberty of conscience. When Rawls claims a "priority" for liberty he means a priority for all of the following:

> political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought; freedom of the person along with the right to hold (personal) property; and freedom from arbitrary arrest and seizure as defined by the concept of the rule of law. These liberties are all required to be equal by

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[46] *Ibid.*, p. 42.
[47] *Ibid.*, p. 43.
[48] *Ibid.*
[49] *Ibid.*
[50] *Ibid.*
[51] For certain complications in the application of this threshold notion to the difference principle see the discussion of that principle in I.2*.
[52] Rawls, p. 302.
[53] *Ibid.*, p. 207.
[54] *Ibid.*

the first principle, since citizens of a just society are to have the same basic rights.[55]

Now, even if one were to grant a priority to liberty over equality of opportunity and over economic benefits so that the former could not be sacrificed to any of the latter, and even if one were to grant, as well, that the liberty of some could not be sacrificed to that of others, it still would not be clear why this particular list of freedoms should together be given such priority and should together be distributed with such equality. It is a heterogeneous list protecting many diverse aspects of life under a single conception. It combines, for example, the "positive liberties" involved in political participation with the "negative liberties" which protect thought, speech, and the person from encroachment. Isaiah Berlin, for one, has noted that these two kinds of liberty—negative liberty and the democratic freedoms—do not always go together. In speaking of "negative freedom" he remarks that "liberty in this sense is not incompatible with some kinds of autocracy, or at any rate with the absence of self-government. Liberty in this sense is principally concerned with the area of control, not with its source. . . . It is perfectly conceivable that a liberal-minded despot would allow his subjects a large measure of personal freedom."[56]

Since negative freedom and the freedom to participate in a democracy are separable notions philosophically (although they may be more connected empirically),[57] it is clear that Rawls must provide an independent justification for the two claims he makes for each: first, that they must both be distributed fully and equally, and second, that they must both be given lexical priority over other primary goods. Now, Rawls's argument thus far for liberty of conscience has consisted in the claim that "the parties must assume that they may have moral, religious, or philosophical interests which they cannot put in jeopardy. . . . "[58] They may not gamble with their convictions, we are told, but must protect them by prescribing liberty of conscience and freedom of thought for themselves; for if they should, in fact, turn out to have such interests they could not permit them to be sacrificed. However, liberty for these convictions, as we have seen, could be guaranteed even where the political freedoms were lacking.

The Principle of Equal Participation. Rawls makes two additional arguments which might be thought to support the inclusion of the positive political freedoms in the list of liberties protected by the priority of liberty. The first of these arguments is that these political liberties will later be required by what Rawls calls the "principle of equal participation"—a principle which agents will incorporate into the design of the constitution after the principles of justice are chosen. The intent of this principle is to "transfer" the equality of the original position to the "constitutional process" as follows: " . . . all citizens are to have an equal right to take part in, and to determine the outcome of, the constitutional process that establishes the laws with which they are to comply."[59]

There are two difficulties, however, with interpreting this principle as the basis for including the positive political liberties under the first principle of justice. The first difficulty is that Rawls defines the "extent" to which the principle is implemented as "the degree to which the constitution is majoritarian."[60] We are told that

> whenever the constitution limits the scope and authority of majorities, either by requiring a greater plurality for certain types of measures, or by a bill of rights restricting the powers of the legislature, and the like, equal political liberty is less extensive.[61]

There are serious reasons to doubt whether agents in the original position would choose to maximize the "extent" of political liberty defined in this way. Why should they maximize the power of majorities when they may well turn out to belong to the minority and when any gambling to the contrary has already been ruled out (by the exclusion of the principle of insufficient reason)? Rawls's preferred maximin strategy would require, in other words, that guarantees against the "tyranny of majorities" be made as substantial as possible—even though such guarantees would minimize "equal participation" in this sense.

Furthermore, even if Rawls were correct that this "principle of equal participation" would be adopted at the "constitutional convention"[62] which he envisages as following upon the selection of principles, he cannot, for that very reason, anticipate that decision in the earlier choice. The principles of justice must be firmly settled before this new information appropriate to constitutional questions for a particular society, is introduced. Later decisions presuppose earlier ones in the "four stage sequence"[63] but not the other way around; the principle of equal participation, therefore, cannot influence the earlier choice of the liberties to be included in the special conception. If there is a basis for the priority of liberty, as

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[55] *Ibid.*, p. 61.

[56] Isaiah Berlin, *Four Essays On Liberty* (New York: Oxford University Press, 1969), p. 129.

[57] *Ibid.*, p. 130.

[58] Rawls, p. 206.

[59] *Ibid.*, p. 221.

[60] *Ibid.*, p. 224.

[61] *Ibid.*

[62] *Ibid.*, p. 196.

[63] *Ibid.*, p. 197.

Rawls defined it, then we must look for it elsewhere.

Liberty and Rational Plans. A second line of argument for including democratic participation in the priority of liberty could be based on what Rawls calls our "fundamental interest in determining our plan of life."[64] This interest is not only individual but collective, for " . . . men come to aspire to some control over the laws and rules that regulate their association, either by directly taking part themselves in its affairs or indirectly through representatives with whom they are affiliated by ties of culture and social situation."[65]

Yet from the perspective of the original position the advantages offered by both individual and collective opportunities for self-regulation must be indeterminate. Our interest in determining our actual plan of life must be judged, like all other goods, in light of our hypothetically rational plan. Being able actually to choose his plan of life is only a part of an agent's good if it is also a part of his rational plan, i.e., if when aware of the relevant consequences and of his own abilities and in conformity with the principles of rational choice, he would *choose to be able to choose* his plan of life. It is clear that for many persons, that would not be the choice that would result from "full deliberative rationality," for freedom often leads to consequences that rational persons would regret. We can then not be sure, from the original position, of the benefits to us in guaranteeing that we will be able to choose our actual plans of life. This side of the argument thus affects the value represented by the "negative freedoms" when judged from behind the veil of ignorance.

On the other hand, the benefits offered by collective self-determination must be equally indeterminate when judged from that perspective. We can have no intrinsic interest in democracy from behind the veil of ignorance if we do not know whether or not we shall benefit from it—if we do not know, for example, whether we shall belong to the majority or minority. As Rawls has defined the problem, self-interested agents in the original position are to secure for themselves by the choice of principles, only those goods which they shall rationally want once the veil of ignorance is removed. Deprived of information about the society and about their situations within it, they have no basis for judging whether conditions are such that they are likely to benefit more from democracy than from other forms of government. Regardless of the merit which the democratic liberties may have on other grounds, there is no evident basis for claiming that they would be chosen out of self-interest in the original position.

Fair Equality of Opportunity. We now turn to the second component of the special conception. It would provide that those with similar abilities and motivation should have a "fair chance" to attain similar social positions; they should, in other words, have "similar life chances."[66] The assignment of persons to social positions, like the selection of principles in the original position, should be a process of "pure procedural justice"[67] —it should be insulated, as far as possible, from all contingencies which are morally irrelevant.

The sense in which "life chances" are to be equalized by the second principle, however, is problematical:

> The principle of fair opportunity can be only imperfectly carried out, at least as long as the institution of the family exists. The extent to which natural capacities develop and reach fruition is affected by all kinds of social conditions and class attitudes. Even the willingness to make an effort, to try, and so to be deserving in the ordinary sense is itself dependent upon happy family and social circumstances.[68]

Because of these difficulties, Rawls formulates the principle so that it would not require equal prospects for the fulfillment of life plans for all individuals, for this would require equalizing the impact of social contingencies upon both ability and motivation so far as these latter would affect in turn, the likelihood of fulfillment of one's rational plan. Rawls grants that this would be too difficult: "It is impossible in practice to secure equal chances of achievement and culture for those similarly endowed. . . . "[69]

Rather than equalizing opportunities for all individuals, his principle would require that they only be equalized across "sectors of society":

> As I have defined it, the second principle only requires equal life prospects in all sectors of society for those similarly endowed and motivated. If there are variations among families in the same sector in how they shape the child's aspirations, then while fair equality of opportunity may obtain between sectors, equal chances between individuals will not.[70]

For example, so long as parental influences which interfered with the development of abilities or of motivation did not vary significantly with social class, no effort would be required by the proposed principle to correct them.

But this equalization of prospects *across* sectors but not *within* sectors, introduces precisely the sort of grave risk from the original position which the argument for maximin, in the first place, was designed to avoid. For this application of the principle would allow arbitrary social contingencies to vitiate the prospects of significant numbers in each sector—so long as the *proportion* of those whose prospects were ruined did not vary from one sector to the next. Yet if the "opportunity" to fulfill one's rational plan is so fundamental a primary good as to have lexical priority over income and wealth, then how can one risk being among the unfortunate whose prospects are arbitrarily interfered with? Rawls has argued against such risks in the design of the other principles; there would appear to be no basis for introducing them here.

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[64] *Ibid.*, p. 542.

[65] *Ibid.*, p. 543.

[66] *Ibid.*, p. 72.

[67] *Ibid.*, p. 87.

[68] *Ibid.*, p. 74.

[69] *Ibid.*

[70] *Ibid.*, p. 301.

Equal opportunity would thus appear to pose the following dilemma for Rawls's theory: On the one hand, if prospects are to be equalized for all *individuals*, then the principle, as Rawls admits, would appear to be "impossible" to implement.[71] On the other hand, if prospects are to be equalized across "*sectors of society*" as Rawls proposes, then the principle would appear to introduce risks which, on Rawls's own argument, must be unacceptable in the original position.

Rawls's reply to these difficulties would appear to be his claim that the admitted imperfections in the principle of fair equal opportunities are ameliorated by the operation of the difference principle: "We are more ready to dwell upon our good fortune now that these differences are made to work to our advantage, rather *than to be downcast by how much better off we might have been had we had an equal chance along with others if only all social barriers had been removed*"[72] [Italics added].

Yet if equal opportunity is to have, by hypothesis, the "absolute weight" of lexical priority over the income and wealth provided by the difference principle, then Rawls cannot claim, as he does above, that agents should feel compensated for a lack of equal opportunity by the gains supplied by the difference principle. For according to Rawls's argument, any decrease, however small, in equal opportunity is to be infinitely more important than any increase, however large, in income and wealth. Thus he cannot claim lexical priority for the former over the latter and at the same time, claim that the non-fulfillment of the former would be compensated for by the fulfillment of the latter.

The dilemma thus remains: equalizing prospects for all individuals would be "impossible," while equalizing prospects across sectors would introduce risks of the sort which Rawls has already argued against. While the latter version of the principle would be unacceptable, the former version, if adopted, would rule out any application of the remaining component of the special conception, the difference principle. For if the second principle cannot be fully implemented, then, according to the doctrine of lexical priority the third principle never comes into play at all.

The Difference Principle and Inequality. One important difficulty with this last component of the special conception arises from the fact that it would authorize the most extreme disparities in wealth and income provided only that the poor were also benefited to some small degree. As Rawls acknowledges: "It seems extraordinary that the justice of increasing the expectations of the better placed by a billion dollars, say, should turn on whether the prospects of the least favored increase or decrease by a penny."[73]

The problem with such an eventuality from the perspective of the original position is that it would undermine the case against envy. Rawls barred envy as a motivation leading to equality from the original position on the grounds of its "irrationality"—since it would make everyone worse off. By sanctioning equality even when the poor as well as the rich would be benefited, it would lower everyone's prospects.[74] Yet where an inequality would be so extreme as to wound the self-respect of the least favored, Rawls admits that it is "excusable."[75] He admits the rationality of such excusable envy since "self respect" is an indispensable good—one which is necessary if the other primary goods are actually to contribute to the fulfillment of one's rational plan of life.[76]

Now, there is evidently a point beyond which further inequalities are no longer in the true interests of the least fortunate even though the latter may benefit economically from them according to the difference principle. That is the point where, in Rawls's terms, the envy of the least fortunate becomes excusable. As Rawls admits, "Each such increase is in the latter's interests, up to a certain point anyway."[77]

Rawls's reply to this difficulty is to point out that he has made certain "standard assumptions" which prevent such extreme inequalities from actually occurring. "The possibilities which the objection envisages cannot arise in real cases; the feasible set is so restricted that they are excluded."[78] Rawls's claim is that his theory "presupposes" what he calls "a certain theory of social institutions." He relies on "the idea that in a competitive economy (with or without private ownership) with an open class system excessive inequalities will not be the rule. Given the distribution of natural assets and the laws of motivation, great disparities will not long persist."[79]

Yet from this account, it is not clear whether we are to suppose that such disparities "cannot arise" or that they are merely unlikely. If they are to be regarded as impossible, it is difficult to envision the "theory of social institutions" that might substantiate such a claim in the face of all possible conditions. For the particular conditions, both natural and social, under which such an empirical claim would have to hold true cannot be completely anticipated from behind the veil of ignorance.

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[71] *Ibid.*, p. 74.

[72] *Ibid.*, p. 512.

[73] *Ibid.*, p. 157.

[74] *Ibid.*, p. 538.

[75] *Ibid.*, p. 534.

[76] *Ibid.*, p. 440.

[77] *Ibid.*, p. 158.

[78] *Ibid.*

[79] *Ibid.*

It would appear, however, that Rawls's claim is only that such inequalities are unlikely, for he admits that "while nothing guarantees that inequalities will not be significant, there is a persistent tendency for them to be leveled down. . . . "[80] But if they are merely unlikely, and if "nothing guarantees" that they will not occur, then the difference principle must be altered to take account of their possibility—for otherwise it will have failed to maximize the worst possible outcome. So long as such a disadvantageous outcome is possible for a given agent from the perspective of the original position, he cannot discount it on the grounds of probable mitigating circumstances. He cannot, in other words, dismiss the possibility that he will suffer from objectionable inequalities any more than he can dismiss the possibility that he will be among the least fortunate—a possibility which led to the design of the difference principle in the first place.

The Difference Principle and Collective Advantage. The main line of argument which is meant to support the difference principle is paralleled by an argument for the general conception. In both cases, we are told that since agents in the original position are uncertain as to how they will benefit or suffer from the inequalities which they might authorize, they should sanction an equal arrangement unless they would be certain of doing better under an unequal one. But they would only be certain of doing better if the worst-off under the unequal arrangement received better treatment than everyone under the equal one. Hence, whether or not there are inequalities, Rawls concludes that the minimum should be maximized.[81]

This argument is taken to mean that "everyone is benefited" by maximin. "It must be reasonable for each relevant representative man defined by this structure, when he views it as a going concern, to prefer his prospects with the inequality to his prospects without it."[82]

Yet Rawls is only successful in his claim that maximin is to everyone's advantage if the "benchmark" for comparison is taken to be the hypothetical position of initial equality. Rawls reasons that the difference principle would either produce equality (thus at least equaling this hypothetical benchmark) or it would produce inequalities in which "incentives" to the better-off positions raised the minimum (thus surpassing the hypothetical benchmark). Let us call comparisons to this benchmark of equality the first sense of collective advantage claimed for the difference principle.

Rawls also implies a second sense of collective advantage when he compares the maximin distribution to the distribution obtaining in a society viewed "as a going concern." When some actual distribution is the benchmark for comparison, then it is not the case that the application of the difference principle will always improve the position of "each relevant representative man."

Rawls argues, however, that if two assumptions are made, collective advantage will obtain in this second sense as well. His two assumptions are chain connection and close-knitness. If, of three representative men, X_1 is the most favored, and X_3 is the least favored, with X_2 in between, then chain connection means in Figure 1 (similar to one presented by Rawls)[83] that

> at any point where the X_3 curve is rising to the right, the X_2 curve is also rising . . . [as in the interval left of *a*] chain connection says nothing about the case where the X_3 curve is falling to the right, as in the interval to the right of the point *a*. . . . [84]

The second assumption, close-knitness, "means that there are no flat stretches on the curves for X_2 and X_3."[85]

Rawls is incorrect, however, in his claim that these two assumptions would imply that maximin was always to the collective advantage in the second sense, i.e., that if applied to some distribution, it would always improve every position. For if the status quo were, for example, a distribution such as *b* in Figure 1, then a distribution such as *a* would be preferred to it according to maximin. Such a change, while improving the lot of X_3, the worst-off, would substantially decrease the lot of the most-favored position, X_1, as well as the lot of the next most-favored position, X_2—without vio-

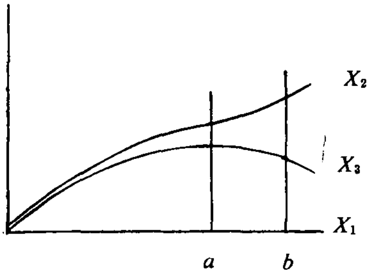

Figure 1

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[80] *Ibid.*

[81] *Ibid.*, p. 80.

[82] *Ibid.*, p. 64.

[83] *Ibid.*, p. 81. The distribution to X_1, the most favored, is marked off along the horizontal axis and the other two positions are plotted on the vertical axis.

[84] *Ibid.*

[85] *Ibid.*, pp. 81–82.

lating either chain-connectedness or close-knitness. This can be seen from the fact that the entire figure, not merely the portion to the left of a, passes both tests: the curves must be chain-connected because there are no flat stretches and they must be close-knit because where X_3 is rising to the right, X_2 is rising as well. Chain connection, as noted above, "says nothing about the case where the X_3 curve is falling to the right"; it does not provide that the X_3 curve must rise to the right in order to be chain-connected, but only that *if* it does, the X_2 curve must rise as well.

Therefore chain connection and close-knitness do not, in themselves, ensure that maximin would work to everyone's advantage with respect to some ongoing distribution. In fact, in the above example, they would permit everyone except the least-favored to be made worse off.

Yet whether or not chain connection and close-knitness would ensure collective advantage in the second sense for the difference principle, as Rawls claims, the more fundamental argument would appear to be based on collective advantage in the first sense. For Rawls is willing to prescribe the difference principle even if his two assumptions were not to apply: "Of course, these conditions may not hold. But in this case those who are better off should not have a veto over the benefits available for the least favored. We are still to maximize the expectations of those most disadvantaged."[86]

However, the claim of collective advantage in the first sense assumes the relevance of the benchmark of initial equality as the appropriate basis for comparison. The argument for this benchmark is as follows:

> Since it is not reasonable for him to expect more than an equal share in the division of social goods, and since it is not rational for him to agree to less, the sensible thing for him to do is to acknowledge as the first principle of justice one requiring an equal distribution. Indeed, this principle is so obvious that we would expect it to occur to anyone immediately.[87]

But what is the basis for the claim that "it is not reasonable for him to expect more than an equal share" when the agents are defined to be both egoistic and mutually disinterested? Equality for its own sake can have no claim on agents whose only task is to obtain their rationally preferred allotment. As Rawls admits, if they can obtain more under some unequal distribution then they are bound, by hypothesis, to prefer it. Yet why should they limit the inequalities to those permissible under maximin when further inequalities would surely benefit *some* of them even more?

Rawls's reply, at this point, must be based on the "three features" argument we have already reviewed. The argument from collective advantage (with respect to initial equality) must be based on the prior argument that the "gambling" which would lead to average utility has already been ruled out. The field has, therefore, been narrowed to two "conservative"[88] choice strategies: maximin and equality. Rawls then argues that maximin is the more rational because it offers the certainty of the best-worst outcome while equality only offers the certainty that the worst outcome will be the same as every other outcome. Mutually disinterested agents we are told, care only about the size of their own portion and not about how it compares to everyone else's. Hence, the collective advantage offered by maximin over equality is decisive because it "benefits everyone."

If, however, the basis for limiting the choice to the two conservative alternatives (in the argument for the difference principle) is to be the prior argument against gambling based on the "three features," then Rawls would have to establish how features two and three, the "qualitative structure of possible gains and losses" apply to the relevant primary good, i.e., income and wealth. Yet Rawls has not developed the thin theory of the good so as to supply this information. We do not know, in other words, what share of income and wealth agents must be sure to guarantee for themselves in the design of principles. Neither do we know at what point they should rationally be satisfied so as to refrain from gambling for more. Finally, we have been given no basis for concluding that agents in the original position must assume even the existence of such a threshold of income and wealth—whether or not they have enough information to determine its particular identity.

The significance of this omission is compounded by a dilemma. On the one hand, Rawls has not defined a threshold for income and wealth (according to features two and three) such that shares below that amount would be unacceptable and such that increases above that amount would not be valued. Thus grounds have not been provided for ruling out a strategy of gambling for the largest payoff in a society organized so as to maximize the average level of income and wealth.[89] Thus, Rawls has failed to provide grounds for limiting consideration to the two "conservative" strategies (equality and maximin) for the distribution of this particular primary good. On the other hand, were such a threshold to be defined so as to rule out gambling, then I will argue that the particular "conservative" strategy which would then become most rational would be neither of the two which Rawls considers. In other words, the very grounds which would rule out the gambling strategy for income and wealth would also provide grounds for ruling out Rawls's conservative strategies in favor of an alternative.

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[86] *Ibid.*, p. 80.

[87] *Ibid.*, pp. 150–151.

[88] Rawls uses this term on page 153.

[89] See the argument for the principle of average utility described in Footnote 15.

For if there were to be some amount of income and wealth such that anything less would be unacceptable and such that anything greater would not be required, then neither equality nor maximin would offer suitable solutions. Absolute equality, first of all, might merely guarantee disaster for everyone, i.e., a share less than the postulated threshold. On the other hand, if equality did succeed in providing everyone with the required amount, then there would be insufficient grounds for determining a solution to the problem of distribution above that level. Once everyone has reached the threshold, in other words, there is no basis for maintaining the requirement that everyone receive an equal share. After the satiation point, the degree of equality or inequality, by hypothesis, should be of no concern to mutually disinterested agents.

Maximin has similar disadvantages. By concentrating resources at the bottom, it would, under some conditions, merely ensure that everyone fall short of the threshold. Once everyone has been guaranteed the required level, on the other hand, there is no basis for preferring a maximin distribution to any other distribution which similarly guarantees the threshold level to everyone. Why continue to maximize the minimum once everyone has received the required amount, when by hypothesis, the further increases to the bottom are not to count from the perspective of the original position?

If we assume that such a threshold corresponding to the second and third features can be defined for income and wealth, and if we also assume favorable conditions, then it should be clear that, from these assumptions, the preferred conclusion would be what may be called the guaranteed minimum principle, as follows: the minimum share of income and wealth distributed to anyone must be greater than or equal to the postulated threshold.[90] In other words, were such a threshold to be defined, it would support the conclusion that the principle chosen must guarantee for everyone a share at least equal to it. The shape of distributions above that level, however, would remain indeterminate. Any principle, such as maximin or equality, which would specify a distribution of income and wealth above that point would be too strong a conclusion to draw from the stated premises.[91]

The dilemma thus remains: on the one hand, if a threshold of the sort we have hypothesized were to be defined, then the guaranteed minimum principle would be preferred to both equality and maximin. On the other hand, if such a threshold were not to be defined, then there would be no basis[92] for ruling out the gambling argument for the distribution of income and wealth. In either case, the argument for the difference principle is unsuccessful.

II.1 The General Conception.

The same arguments which we have just reviewed for the difference principle are also made for the general conception. Just as Rawls claimed that the difference principle would work to the collective advantage with respect to a benchmark of initial equality in the distribution of income and wealth, he also argues that the general conception would work to the collective advantage with respect to the distribution of all primary goods.[93] In both cases, the argument depends on the three features according to which it would be unnecessary to gamble for more because a maximin distribution, it is thought, would guarantee an acceptable outcome.

II.1* The Guaranteed Minimum and the General Conception.

The same argument, however, which was just advanced against the difference principle can also be advanced against the general conception. In other words, even if Rawls were correct in applying the three features to the general distribution of primary goods, he would not be correct in his conclusion that the "three features" support a maximin distribution of those goods. Just as a threshold corresponding to the second and third features would support a guaranteed minimum level of income and wealth rather than the difference principle, it would also support a guaranteed minimum level for all primary goods rather than the general conception. Hence, even if my claim were mistaken in section I.1* that the three features were unsupported by the premises available in the original position, the argument for the general conception would, nevertheless, fail at this second stage—for the three features, even if applicable, would not imply maximin but they would rather only support the weaker conclusion that there must be a guaranteed minimum.

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[90] The guaranteed minimum principle would clearly be the proper conclusion if conditions sufficiently favorable to fully implement it are assumed. Such an assumption would conform to what Rawls calls "ideal theory" (see pp. 245-7). The problem of a suitable alternative to maximin for the "less than favorable conditions" of "non-ideal theory" (p. 245) has been discussed by Douglas Rae and James Fishkin, "A Weak Theory of Justice," prepared for the Public Choice Society, Meetings of March 21-3, 1974, New Haven, Connecticut. See also Hare's comparison of the actual consequences of Rawls's argument to an "insurance strategy," R. M. Hare, "Rawls' Theory of Justice—II" *The Philosophical Quarterly,* 23 (July, 1973), p. 249.

[91] Given conditions which allow everyone to at least reach the threshold, all maximum (or equality) distributions would also be guaranteed minimum distributions, but all guaranteed minimum distributions would not be maximin (or equality) distributions. Only the latter, weaker principle, is warranted by the proposed premises.

[92] Of course, the first of the three features would still remain to be weighed against the gambling argument. Rawls has never claimed, however, that the first feature could stand alone as a case against the gambling argument. He claims that his case against the principle of insufficient reason is "plausible" only in light of a certain estimation of the risks and of the probable gains. See, for example, p. 169.

[93] This argument is meant to apply to both the general and special conceptions. Even though it is to be found in a chapter entitled "The Reasoning Leading to the Two Principles of Justice," it begins, on page 150, in terms of the "general conception of justice as fairness" and the problem of distributing "all primary social goods."

III.1* Toward Reformulation: How Maximin Might be Justified.

We have thus traced the failure of two related lines of argument: just as the premises available in the original position do not support the assumptions about primary goods which would lead to the special conception, they also do not support the "three features" which were incorrectly thought to lead to the general conception.

An Alternative Argument. But even though Rawls's proposed premises support neither the general nor the special conception, it should be noted that his original position could be plausibly modified so as to support at least the former. For example, the version of "pure procedural justice" which Rawls compares to the original position, if incorporated into the choice situation itself, would successfully support maximin:

> Consider the simplest case of fair division. A number of men are to divide a cake: assuming that the fair division is an equal one, which procedure, if any, will give this outcome? Technicalities aside, the obvious solution is to have one man divide the cake and get the last piece, the others being allowed their pick before him. He will divide the cake equally, since in this way he assures for himself the largest share possible.[94]

We might add Rawls's argument from collective advantage for departures from equality: if the smallest share could be enlarged by allowing some other shares to be even larger (the "incentive" effects Rawls hypothesizes) then the cake-cutter, if he were interested only in the size of his own share, would maximize the minimum share in the knowledge that it would be the one left for him.

Similarly, we might suggest, Rawls could have argued for maximin directly by stipulating that a fair division of social goods would result if the agent designing the principles of social cooperation (with knowledge of their consequences according to the general theories available in the original position) were to make his choice in the knowledge that all the others were to choose their relative social position, and that then he was to be assigned the remaining allotment.[95] The agent making the choice could be randomly chosen from the group, while the order of choice for those remaining might also be randomly determined. Given a theory of primary goods which would allow all the outcomes to be ranked, a maximin distribution would evidently result.

Such a procedure would have the consequence which Rawls claimed for his proposed condition: under it, "... one looks at the system from the standpoint of the least advantaged representative man. Inequalities are permissible when they maximize, or at least all contribute to, the long-term expectations of the least fortunate group in society."[96] A case, similar to some of Rawls's claims for the original position, might be made that these conditions would constitute a fair perspective for the choice of principles. For if the distribution is acceptable to an agent who knows he will profit *least* from it, then it should be acceptable to all of the others as well.

Furthermore, because the procedure, by its design, would ensure the worst of the available outcomes for the agent designing the principle, there is no longer any question of his risking the prospects of some in order to gamble at being among the more fortunate. There is similarly no need to incorporate a threshold into the theory of primary goods in order to rule out the average principle. The difficulties we explored above, in I.1* and II.1* could thus be avoided entirely.

While it seems clear, however, that such an alternative, if sufficiently developed, could support the general conception, it is by no means clear what claim that alternative would have in comparison to competing versions of the initial position. Many rational decision procedures could be designed which would have plausibility as fair perspectives for the choice of principles.[97] The particular alternative I have suggested here may only be worth noting, firstly, because it was actually offered by Rawls as a model of procedural fairness, and secondly, because, unlike the procedure he actually proposes, it would successfully lead to maximin and the general conception.

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[94] Rawls, p. 85.

[95] The veil of ignorance might be raised sufficiently for them to judge the relative impact of the principle chosen on the various social positions so as to allow them to make their choice according to a unified theory of primary goods. Such a procedure would also require that the number of persons in the original position be imagined as corresponding to the number of positions in the society for which the choice is to be made. Rawls's version of the original position included no such requirement.

[96] Rawls, p. 151.

[97] For other games of fair division, particularly those more suited to the n-person case, see R. D. Luce and Howard Raiffa, *Games and Decision* (New York: John Wiley and Sons, 1957), pp. 363-368.

This last fact may be less important as a justification for maximin[98] than as an indication that the difficulties in Rawls's theory—at least the ones we have explored here—are not objections to his general enterprise but, rather, only objections to the particular version of it which he has offered. If *A Theory of Justice* is taken as the point of departure for further developments in "social contract theory" in Rawls's sense, then his book will justly deserve the acclaim which it has received.

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[98] Our discussion of maximin has focused almost entirely on the question of whether it would be chosen in the original position. We have not fully explored its substantive policy disadvantages although some of these were mentioned in the discussion of the difference principle and inequality in I.2*. For a fuller discussion, see the paper by Douglas Rae in this symposium.

Maximin Justice and an Alternative Principle of General Advantage*

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Inequality is the most general of social facts. Everywhere there are differences of pride and standing, authority and obligation, wealth and the use of wealth. It is, moreover, difficult to imagine men and women so docile as not to invest these differences with coherent social value and thus to discover the inequalities which separate them from one another. But when if ever are these inequalities legitimate? On what argument may life's winners excuse themselves to those who are left behind? On which terms may the deprived rightly overturn privilege? These are the main practical questions of social justice, and we will not settle them here; perhaps they can never be resolved. Yet it is important that we should try, and the occasion arises in the appearance of John Rawls's *Theory of Justice*.[1] In this, perhaps the bravest work of political theory written in this country since the times of Madison and Calhoun, Rawls proposes a new theory of the social contract and derives from it a powerful conception of justice:

> All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally, unless an unequal distribution . . . is to the advantage of the least favored.[2]

The roots of this "maximin" justice, in primitive Christianity, Rousseau, Kant, Fourier,[3] even Marx, are evident enough in their broad outlines. And the practical import of the argument is hardly obscure in the "difference principle" by which Rawls would have us regulate the economy:

> Inequalities are to be arranged so that they are both: a) to the greatest advantage of the least advantaged, and b) attached to offices and positions open under conditions of fair equal opportunity.[4]

The main point of Rawls's theory is that society must pursue justice by choosing what is best for those she treats worst, and that this is a binding imperative even for those who suffer from its exactions. It is binding because this rule of maximin justice would be unanimously agreed upon by the parties to a social contract where a "veil of ignorance" prevents the pursuit of particular (as distinct from general) social interests.

I hope to make three main arguments. I will argue, first, that Rawls has asked exactly the question which most needs to be faced by a liberal society like our own. It is time we gave up the pretense, long since ridiculed by the socialists, that a *merely impartial* society—outfitted with equal opportunity, equality before the law, the prohibition of vulgar racism—is for that reason alone a *just* society. For these practices, important and essential as they are to social justice, pass over the fundamental problem of social allocation: which strata of society are entitled to which claims on the control and use of our common resources? This is an issue which can be faced satisfactorily only by principles of just allocation like Rawls's But how are we to know that a proposed principle bespeaks justice and is not a mere disguise for special pleading on behalf of those strata advantaged by it? How to discriminate between interests which are general to society and those which are particular to its parts? We are, of course, close upon one of the most obdurate problems of political theory, and Rawls confronts it, as others since the time of Protagoras have done, by means of a social contract. With all of this, which is discussed in Part One of my paper, I have no quarrel. Indeed, there is some joy in the discovery that political theory can still be written in English.

A second main argument is that Rawls's theory fails. By this I mean that the social contract, as he gives it, fails to compel the allegiance of some social strata. These are the strata whose allegiance must be compelled, for it is they—very roughly the bourgeoisie—who seem most likely to find a threat in Rawls's maximin justice. They may rightly claim to have been ignored, unrepresented, in Rawls's social contract. This fact is reflected in the allocative principle which Rawls claims to deduce from the social contract, and the principle is accordingly defective. It shows this in two main ways: (1) that maximin justice is insensitive to the well-being of many social positions, and for this reason, (2) that it is possible under Rawls's princi-

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[1] Cambridge: Harvard University Press, 1971.

[2] Ibid., p. 303.

[3] Indeed, the parallel to Fourier's "guarantee of the minimum" is very striking. Cf. *Design for Utopia*, edited by Frank E. Manuel (New York: Schocker Books, 1971), pp. 19–92.

[4] Rawls, p. 302.

ples to make choices which at once increase social inequality and decrease total social welfare, thus ignoring both equalitarian and utilitarian urgings in a single stroke. The theory, if I am right in this second part of the paper, is uncompelling.

Finally, I sketch out the main elements of an alternative theory. Beginning with an exercise whose functions parallel those of Rawls's social contract, I attempt to define the grounds of just inequality. The result is a "principle of general advantage" which asks us to view inequalities as just if, but only if, they are to the benefit of all strata in society when compared to less inequalitarian outcomes. This argument, and the resulting principle, are cousins to their counterparts in Rawls's theory; but both argument and principle differ importantly from what Rawls has urged. I will suggest, in an admittedly preliminary way, that the new principle should take precedence over maximin justice. I will finish by trying to show that all conceivable principles, including those considered here, must display some distressing features when they are applied without stint.

1. On the Importance of Rawls's Question

Liberalism as we know and practice it is without a compelling account of social justice. It may help in understanding the import of Rawls's theory if we briefly review some other answers to the problem of social justice and some main ways in which they fail to serve our need.

Begin with some patent injustice. The extreme cases might include feudal privilege, slavery, apartheid, and the worst of family capitalism. Our notions of justice display themselves most naturally as objections against practices like these. First among these notions are principles of desert which from the *Nicomachean Ethics*[5] onward have urged that we tailor privilege to fit virtue. We would thus criticize a particular social practice as unjust because it failed to appropriately reward the deserving. It would be acceptable to enslave the poor of spirit but not the noble; to leave inherited capital in the hands of the righteous but not in the hands of the capricious; to read off virtue, if that it be, from white skin; to reward economic success wherever acquisition seemed a valid token of salvation. Yet desert is inadequate as a main standard of distribution in liberal society. For who is to decide the color of virtue on behalf of a public whose members are expected to judge such questions for themselves? How to measure out desert among men of standard size and shape?[6] Within these premises it is sometimes an irresistible hunch that A's claim to virtue resembles B's special pleading as Venus resembles the Morning Star. To avoid such suspicion would mean imposing a particular account of the good, yet this is inimical to the tolerant symmetry among persons and their values which is a watermark of liberalism. The very natural response is to invent a game—a competition—and to let people press their claims within its rules. The question thus ceases to turn on the virtue of persons and hinges instead upon the impartiality of the game itself.

Our main everyday response to the question of social justice is in fact a collocation of demands for impartiality. And, where games are concerned, impartiality seems an unassailable principle. Notice, however, that distributive institutions seem to work by a double mapping. Once society creates social positions which have meanings independent of proper names, then the issue of social distribution is split into two subsidiary issues: (1) *assignment* of persons to positions, (2) *allocations* of goods among these positions, hence among the persons who occupy them. Consider some privileged spot in society—a place at Harvard, a job paying $2,000,000 a year as head of I. T. & T., perhaps an entitlement as Emperor of Texas. It is possible to attack these special positions by either: (1) asking whether their incumbents got where they are unfairly, or (2) asking whether the privileges which they therefore enjoy should exist at all. The first is the issue of impartial assignment; the second is the issue of just allocation. "Who should get ahead?" is not the same question as "Why should anyone get ahead?" While there are ligaments of connection between these two issues, it must be understood that a mere impartiality of assignment does not resolve the further issue of just allocation.

Impartiality is thus only the outer face of justice. We may revolt against partiality of assignment yet fail to remove or even much ameliorate the deeper problems raised by unequal allocation. Meritocratic competition may displace vulgar prejudice and thus change the identities of winners—without either trimming their take or much ameliorating the condition of those marginal souls who lose.[7] Equal opportunity makes sense only as shorthand for equality in the chance to become unequal: it need do nothing to lessen the disparity between winners and losers as each generation settles its game.[8] Equality before the law does not preclude either enormous differences in the substance of legal control or a legal code which advances one interest against another: it doesn't erase the joke about a law so impartial as to forbid life under bridges for rich and poor alike.[9] Allocation thus remains an open wound, for which our theoretical inheritance provides little healing wisdom. When marginal men and women demand not *mere* impartiality of assignment but demand fair shares of the social product itself, an ethic which reaches the problem of allocation is urgently required. And a liberal conscience tutored only on evening out the chance to get ahead is stupefied by the questions which now arise. What to do with "compensatory inequality," *more* than equal shares for those who once got less? What to make of progressive educational investment under which the dull and ugly receive *more* attention than the bright and beautiful? How to reckon a tax structure which deliberately and directly removes cash from a bustling executive and places it in the hands of a languid janitor? These questions suggest what may very well be the main historical failure of liberalism: it offers an ethic of impartiality, but no agreed general ethic of allocation. Any compelling theory of social justice must, if this is so, reach beyond assignment to allocation.

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[5] See in particular Book V.

[6] The phrase is John Schaar's in "Some Ways of Thinking about Equality," *Journal of Politics, 26* (1964), 867–95.

[7] See Daniel Bell, "Meritocracy and Equality," *The Public Interest* (Fall, 1972), 29–68.

[8] See Michael Young, *The Rise of the Meritocracy* (Harmondsworth: Penguin Books, 1958); or Schaar. If, as these authors suggest, meritocracy means that the privileged really *are* superior by going standards, then the position of the disadvantaged is in a sense worse than it would be under an arbitrary system of assignment.

But how can we face the question of allocation by means of mere impartiality? What would be an "impartial" packet of remuneration for a plumber? Or a surgeon? Or a poet? We answer these questions in practice every day, usually by recourse to horizontal equity: give this typist (this *X*) what other typists (other *X*'s) are given. But this obviously presupposes exactly what is at issue, namely the reward given typists (or *X*'s) in general. For this we may look to some still larger game such as the ideal of perfect market competition. If so, we would in principle give each person full measure of his or her "marginal product." But why do this? We are inevitably pressed toward some additional principle, something more than an impartial application of the rules laid down for society's game. Rawls recognizes impartiality as a necessary but insufficient aspect of justice by requiring "fair equal opportunity." But social justice demands more than this.

So readily do we accept the principle of impartiality that we very often overlook the deeper question of equality itself. Notice, for example, what isn't said by the late President Johnson when he asks us to

> imagine a hundred yard dash in which one of the runners has his legs shackled together. He has progressed ten yards, while the unshackled runner has gone fifty yards. At that point, the judge decides the race is unfair. How do they rectify the situation? Do they merely remove the shackles and allow the race to proceed? They could say that equal opportunity now prevailed. But one of the runners would still be forty yards ahead of the other. Would it not be the better part of justice to allow the previously shackled runner to make up the forty yard gap? Or to start the race all over again? That would be affirmative action toward equality.[10]

This rightly attacks the virulent partiality of racism yet falls short of a serious case for social equality. The losing runner is to be helped in compensation for his "shackles"—for the exterior circumstances of birth which prevent his *getting ahead*. We are not asked to face a simpler and nastier story:

> Imagine a hundred yard dash in which one of the runners weighs 400 pounds and has weak ankles. He has progressed ten yards while a lean opponent has gone fifty. At this point, the judge realizes that the race is unfair, yet how is he to rectify the situation?

This is a real enough story, and the judge would find himself hard-pressed to find any impartial completion of the race. He would be tempted to ask whether there ought to be a race at all between these two. And if there were to be a race, he would surely ask himself how he might reduce the difference in rewards between the winner and the fat man left behind. The radical equalitarian would not try to even out the race but to change its stakes.

This impulse to minimize differences of allocation urges us to treat the members of society as coequal ends in themselves. The idea is to give everyone, as nearly as possible, the same claim to the fruits of our social cooperation, no matter which position in society he or she happens to occupy. Carried to its limit, this would mean a flat equality in which a race toward the top would very largely have lost its point. Market society does not approach this limit, and for that matter neither does Occidental socialism. It is even doubtful that a permanent arrangement of near-perfect equality is possible under the conditions of industrial or post-industrial society. But the impulse to lessen inequality through redistribution of wealth and income is powerful indeed, and it cannot be ignored by an account of social justice. Indeed, it makes a great deal of moral sense to accept equality as *prima facie* just, then to examine the legitimacy of excuses for inequality. More generally, since perfect equality is not given *ex ante*, we should perhaps say that the more equalitarian of any two social allocations is to be preferred in the absence of some valid justification for a contrary judgment.

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[9] For an elegant, if eventually unconvincing argument for a necessary link between laws or other social norms and social inequality, see Ralf Dahrendorf, "On the Origin of Inequality Among Men," in his *Essays in the Theory of Society* (Stanford: University Press, 1968).

[10] Cited in Bell.

This *prima facie* commitment to equality is not simply moral but also epistemological. Liberal economics has become an intellectually dominant authority on problems of allocation just as it has in so many other branches of social theory. Yet within the dimly illuminated world of economic theory—an "ordinalist" world—the idea of equality in allocation has no strict meaning. If we think of individual value as a subjective rank-ordering of preferences for alternative situations, and refuse comparisons between the degrees to which individuals achieve their ends, then we cannot distinguish equality from inequality. We cannot know whether Harold Geneen's $2,000,000 annual salary brings him to a subjectively better spot than does the $4,000 salary earned by his janitor. Perhaps the two are doing equally well; perhaps the janitor is doing better. This *cul de sac* has its comforts, for we now inhabit a world so austere as to be without knowable inequality, a point whose very real ideological significance was not lost on Pareto when his *Manual of Political Economy* made it standard doctrine.[11] But anyone alive in the world today must admit that this view of allocation is too precious by half: if it were granted, there could be no real problem of social justice in the first place.[12]

We cannot escape the "ordinalists" in a world where tastes are utterly indeterminate, for it might then happen that some people have a yen for poverty and others for affluence, some for starvation and others for gluttony, some for servitude and others for power. There are, of course, differences of taste and whim in any society, but there are some regularities as well. The idea of equality presupposes the idea of inequality, and both presuppose some homogeneity of human wants so that a standard of comparison is available. As Rawls proposes, we may think of men and women as trying to carry out their plans of life in a resistant world; we may suppose that such people will want to command the socially derived wherewithall needed to carry out their plans; we may judge the approximate degrees to which the incumbents of various positions command this wherewithal; and we may thus say whether A is getting more than B, B more than A, or the two are being treated about equally. We do not compare A's happiness (or utility) with B's; we instead compare A's command over the things he needs with B's command over the same things. We thus arrive at an approximate cardinal index for the allocation of goods in society. Without this there could be no real complaint about allocative inequality, and no argument in favor of it. Rawls refers to these universally wanted things as *primary goods*, and we may follow him in this.[13] We do not face the ravages of measurement here and instead proceed with a formalization which begs all but the essential questions. The general allocation problem thus looks in its rudiments like this:

(1) Society contains some positions, $A, B, \cdots, N$, which each hold a certain claim to the use and consumption of primary goods.

(2) The value of the goods granted to these positions falls on a cardinal scale analogous to real income and these amounts may be compared interpositionally,

the value a for position $A \cdots$
the value i for position $I \cdots$
the value n for position N.

(3) A social allocation is a list of payoffs to each position in society:

the allocation $X = (a_x, b_x, \cdots, n_x)$
the allocation $Y = (a_y, b_y, \cdots, n_y)$

These allocations are drawn from a feasible set of allocations, Ω, whose limits are determined by the sum total of causal laws which regulate production and distribution for a particular society. This set will normally have an upper bound within which no allocation can improve the payoff to one position without damaging the payoff to some other position.

(4) A principle of allocation is a rule which will select a best alternative from any set Ω of feasible allocations. We would, for example, say that a principle of equality (E) chooses allocation X over Y by writing, $XE(X, Y)$—"X is chosen by E from the set (X, Y)."

This permits us to define the notion of equality as follows:

Definition 1: Equality: An allocation X is equality-superior to an allocation Y if and only if,

for the case of two positions:

$$XE(X, Y) \text{ iff } (|a_x - b_x| < |a_y - b_y|)$$

for the general case: the mean deviation from the mean payoff is less in allocation X than in allocation Y.

We proceed on the *prima facie* assumption that for any two allocations the equality-superior alternative must be accepted unless a valid justification is given in favor of its less even-handed alternative.

Before Rawls, a utilitarian view of allocation prevailed in liberal argument almost by default.

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[11] Translated by Ann S. Schwier (New York: Augustus M. Kelley, 1971); see also J. E. Meade, *Efficiency, Equality and the Ownership of Property* (London: George Allen and Unwin Ltd., 1964).

[12] See, for example, Amartya K. Sen, *Collective Choice and Social Welfare* (San Francisco: Holden Day, 1970), p. 21 ff, 56 ff.

[13] Rawls, especially pp. 90–95.

Nuance changes as we pass from Bentham, the Mills, and Marshall toward Edgeworth, Sidgewick, Harsanyi, or Smart; but the fundamental judgment remains that aggregate welfare ought to be maximized. There are quarrels over the interpersonal comparison of utility, over the claim that diminishing marginal utility would lead to equality, over the distinction between useful rules and useful acts, over the connection between welfare and liberty. In the present analysis, we reject the doctrine that "pleasure" is the aim of life and concern ourselves instead with the principle that value, however reckoned, should be maximized in aggregate by whatever distribution best serves this end. Formulating this rule within the same scheme used to introduce equality, we have this:

> *Definition 2: Aggregate Maximization:* An allocation X is superior to an allocation Y if and only if:
>
> $$XU(X, Y) \text{ iff } \sum_{i=1}^{n} i_x > \sum_{i=1}^{n} i_y$$
>
> In words, the superior allocation offers a greater total without regard to distribution.

The exactions of aggregate maximization and equality are not *always* incompatible. If we are interested in primary goods (not subjective utility or happiness), and the goods awarded to positions can be taken as the direct referents of our analysis, there are some cases in which the two fit together quite neatly. One of these is the division of a fixed stock of goods. Aggregate maximization demands that nothing be thrown away or otherwise wasted; equality demands that the goods be divided evenly, and the two principles are fully compatible. But social life is not usually so simple, and the two principles may come into conflict with one another. In matters economic, it may happen that the total stock to be distributed at a given moment depends on the way goods have been distributed over a succession of earlier moments. And the less equalitarian distribution may increase productivity and thus satisfy the dictates of aggregate maximization. We are thus forced to violate at least one of the two principles, choosing a lower total more evenly divided or a larger total less evenly divided. This antinomy between equality of distribution and maximization of the aggregate is fundamental. It must interest us on two levels.

First, when this conflict occurs, both principles so far considered display unfortunate implications. Consider a choice, vastly simplified, between two allocations for a society of two:

	X	Y
A	10	100
B	10	5

The principle of aggregate maximization would have us judge Y better than X. Yet this *predatory utilitarianism* hardly seems just. It changes a position of equality into a position of vast inequality. Can this be justified to its victim—to the person whose interests have been sacrificed? The utilitarian must say that it can be, yet one can hardly permit this to pass for an instance of *justice*. Contrariwise, the principle of equality may lead toward a leveling of society so severe that its beneficiaries must plead for the mercies of injustice.

	X	Y
A	100	10
B	50	10

If, as equalitarians, we insist that Y is superior, then both parties to this unhappy transaction must regret our intervention. I will show later that Rawls offers a most compelling way to escape this sort of conflict and to avoid both destructive equalization and predatory utilitarianism—provided we confine ourselves to examples as simple as these. Notice, for it is relevant later, that one could in theory manage to choose an outcome which at once violated the dictates of equality and of aggregate maximization. Say we had the alternatives:

	X	Y
A	60	50
B	40	10

If a particular principle should pick an outcome which, like Y here, bestowed less less evenly over an outcome which, like X here, bestowed more more evenly, then we would have to admit that this principle was in some way unsatisfactory. While Rawls's principle would *not* choose Y in the example just mentioned, it is not clear that it will always avoid this, particularly as the number of positions taken into account grows larger than two. No allocative principle should require us to choose less less evenly divided over more more evenly divided. This is what will later be referred to as a minimum test.

The conflict between these two principles suggests a second level of concern. Both principles are stated in general terms, yet if I am free to choose among them under given factual circumstances, I can make them work to my own particular advantage. If I have little and you have a great deal—and your things are costlessly transferable to me—then my urging the general doctrine of equality and the particular doctrine of my own welfare come to the same thing. Whenever a general principle is urged, one must wonder why *this* principle is chosen to cover *this* decision. For particular interests can always be fitted into *some* general principles so that these principles do the work of egoism. Why should I feel bound by a general principle if it is merely a weapon for the advancement of your interests against mine? A main problem in any theory of social justice must therefore be to find an appropriate way of distinguishing the general from the particular and thus to compel the allegiance of all.

It is at this point that the doctrine of a social contract comes into play for Rawls as for many of his predecessors. If all the parts of society are represented at "original positions";[14] if the terms of their decision are fair ones; and if they agree unanimously on a general maxim which is to be applied universally; then it may follow that the resulting principle embodies the general interests of society and is not a mere disguise for special pleading on behalf of some particular interest. Whether this inference is safe or not must remain open to question, and the social contract must be understood as a mere device of analysis. It is a way of conducting an argument. Let us suppose that society allocates her goods by a given rule, and that you find in one specific quarrel that this rule works to your disadvantage. How, if at all, might the social contract allegory serve to help us decide whether you are nonetheless bound by this rule? It is, I think, safe to say that any literal-minded effort to say that the contract vouchsafes your consent as a concrete historical person, hence your direct personal obligation, may be dismissed. But if we could see that a rational agent representing your particular stratum of society would agree that this rule was best among the rules which would be agreeable to the agents of all other social strata, under otherwise fair conditions, then we might conclude that you are morally bound to accept the consequences in a particular case of the rule's application. For if you now refuse to be bound, this must imply a decision to put your particular interests ahead of all other interests. This, at any rate, is the gist of the social contract argument as it functions in Rawls's theory and in the alternative which I propose.

It is time to get on with a critique of Rawls's theory, for it should by now have been established that his argument reaches the fundamental issues of social allocation; that it bids to escape the antinomy between equality and utilitarian maximization; that it claims, through the device of the social contract, to press forward a general social interest as distinguished from merely particular ones.

2. Rawls, the Social Contract, and Maximin Justice

It is possible, as others have shown, to quarrel with Rawls over innumerable particulars, but these particulars do not form a constructive alternative. I am anxious here to develop only a single line of counterargument which at least suggests a next stage for the theory of just allocation. It is necessary to begin with Rawls's theory of the social contract as it is forged in his "original position."

If a social contract theory is to serve its purpose of argument and remonstrance, two conditions must be met. First, all the members of society who are to be bound under the contract must enjoy some form of effective agency or representation in the hypothetical process by which the contract is decided upon. Second, no subset of these interests may be permitted to palm off its partial or particular interests as those of society at large.

Such a theory might be cast as a contract among diverse agents, each representing some segment of society, none enjoying the special power to promote the interests of his segment at the expense of the rest. If we focus on the problem of allocation, the relevant segments would seem to be hypothetical social strata. And agents for these strata should be required to agree unanimously on any maxim which permits any or all to depart from a condition of coequality—to become real rather than hypothetical strata. It is the demand for unanimity, combined with an equalitarian point of no-agreement, which checks the promotion of particular rather than general interests in the content of the resulting contract.[15] This idea—a contract expressing the interests general to a group whose members have particular interests—is the one which I will pursue in part three of this paper.

The sort of theory just sketched out limits itself to a merely procedural precaution against the promotion of particular interests. Rawls retains this check by requiring unanimous agreement on the contract with egoism as a no-agreement outcome. But the crucial feature of Rawls's "original position" is that he adds a further method for the repression of special interests. This is his "veil of ignorance," which denies the agents the *knowledge* necessary for the promotion of particular interests. The parties to Rawls's social contract thus display two essential attributes:[16]

(1) Each agent is a "continuing person" who stands in for a particular family or genetic line in society. He is concerned only to promote this very particular interest in society and is uninterested by the rest, but:

(2) He has no knowledge of *which* particular interests are his own; he knows nothing about the attributes

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[14] This is Rawls's name for the gathering at which a social contract is struck. I discuss its peculiarities in Part 2 below.

[15] The inference that unanimity vouchsafes shared benefit presupposes both a static environment and a fair point of no agreement. See my article, "The Limits of Consensual Decision," *American Political Science Review* (September, 1975), forthcoming.

[16] A convenient summary of these conditions will be found in Rawls, pp. 146–47.

> or tastes or social position of the family or line to which he corresponds.

This use of ignorance must be interpreted on two levels. First, it serves to repress the promotion of special interests; as Rawls says, ignorance serves to exclude " . . . knowledge of those contingencies which set men at odds and allow them to be guided by their prejudices."[17] His example is instructive:

> If a man knew that he was wealthy, he might . . . advance the principle that various taxes for welfare measures be counted unjust; if he knew he was poor, he would most likely propose contrary principles.[18]

This is in a sense redundant, for these proponents of class interest could hardly expect to achieve unanimous agreement from delegates for the classes they seek to oppress. And it means that, if our interests are to be taken into account, it will not be due to the undivided agency of persons expected to promote or defend them. Rawls's use of ignorance turns the contract metaphor outside in. Each delegate, in his uncertainty, becomes an agent for all:

> The combination of mutual disinterest and the veil of ignorance achieves the same purpose as benevolence. For this combination forces each person in the original position to take the good of others into account.[19]

This is the second level of interpretation. We are to be represented, all of us, within each single person at the original position. This is because he may turn out to be in a position like any of ours, so that he must seek a maxim of justice which takes into account positions resembling *all* of ours. In a simple contract theory, the general interest would emerge as a bargain between agents for particular interests; in Rawls's theory the general interest arises from within each person, and each thus becomes agent for the general interest. The demand for agreement between agents is now beside the point, for the parties are *identical* in every way which can affect the outcome. This is a perfectly coherent device.

But, as Rawls recognizes, this condition of total ignorance cannot as it stands be the basis for a contract; more structure is required. And the issue is this: granting that the parties are each concerned for us all at this point, can Rawls keep it so and yet drive the argument to a definite conclusion? The crucial stage occurs when Rawls asserts three critical "features of the situation" at the original position. The first of these three merely carries the veil of ignorance argument to its conclusion:

> (1) The social contract constitutes a fundamental decision, and its parties are in a condition of complete ignorance about their identities; it is therefore inadmissible that the parties should employ the principle of insufficient reason or any other calculation of risk in arriving at a judgment.

This is an arguable question, but Rawls's assertion does manage to head off the case for utilitarianism, since we cannot now find comfort in raising the average welfare of society's members.[20] But it is the next assertion, wholly arbitrary in my view, which drives us toward the adoption of maximin justice:

> (2) Each party knows that he holds " . . . a conception of the good such that he cares very little, if anything, for what might be gained above the minimum stipend that he can, in fact, be sure of by following the maximin rule."[21]

The remarkable assertion is then buttressed by a final and equally arbitrary claim:

> (3) While the gains above the maximin stipends matter very little, losses *below* this stipend are unacceptable.

Notice that these last two assertions are powerful indeed. They imply at least five analytically distinct inferences:

a) The personal consequences of social allocation, so far as they count in the decision, fall into exactly two classes: acceptable and unacceptable.
b) These two sorts of outcomes are divided by a distinct threshold, and it is the same for all parties to the original position.
c) This threshold is no higher than the level which can be achieved by maximizing society's minimum.
d) This threshold is no lower than the level which can be achieved by maximizing society's minimum.

From which it is clear that,

e) It is materially possible that all members of society receive acceptable payoffs; each receives as much as he really cares to receive.

Once these premises are accepted, maximin justice seems the inevitable result:[22] "All social primary goods . . . are to be distributed equally unless an unequal distribution . . . is to the advantage of the least favored."[23] Notice, first of all, that Rawls's three assertions require that the parties to his original position should act upon their faith in a monstrously artificial coincidence. There is not only a threshold, but it is the *same* threshold for all. The level achievable in maximin is not merely good enough but *exactly* good enough: it falls precisely at the universally shared threshold. Rawls borrows this from Fellner, and Fellner's purpose is to describe the quite exceptional circumstances under which a decision maker would adopt a maximin strategy.[24] Why this should happen at the original position is obscure. But it is more interesting to see what happens if we permit Rawls this small magic.

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[17] Ibid., p. 19.

[18] Ibid., pp. 18–19

[19] Ibid., p. 148.

[20] The gist of the case for utilitarianism is as follows: (1) I assume that I am equally apt to occupy each social position, and (2) I want to make the resulting lottery as attractive as possible, so (3) I try to maximize the average or total without attention to distribution. This is of course complicated by attitudes toward risk and the non-linearity of personal utility functions. See in particular John Harsanyi, "Cardinal Welfare, Individualistic Ethics, and Interpersonal Comparisons of Utility," *Journal of Political Economy,* 63 (August, 1955), 309–321.

[21] Rawls, p. 154. The other two features are explained in the same passage.

[22] If, however, inferences (c) and (d) are put aside, the connection is far less direct. For if the threshold is above the maximum point, then the rule must be rejected, yet if it falls below the maximin outcome

If what Rawls says is true, at least within the hypothetical process he describes, it follows that there *exist no tensions between particular interests and general ones except those generated by miscalculation. We are given maximin as a method; we are then guaranteed that this method will work in such a way that everyone is assured an outcome which is, so far as he really cares, the best possible outcome.* Consider, especially, the distinction between: 1) a society structured to maximize the minimum benefit, and 2) a society structured to maximize a given person's own particular benefit. Rawls's assertions require that the parties to the original position see no effective distinction between these two circumstances. Everyone's demands—rational plans of life—are evidently to be identically modest, and all are to be fully satisfied by the maximin outcome. This quite literally *assumes away* the facts about our world which make allocation a problem and lead us to search for principles of justice that regulate it. This is unfortunate in two ways.

Recall, first of all, that Rawls intends to offer a philosophical alternative to utilitarianism. And his principle of justice is antiutilitarian for the world as we experience it. But in what sort of world are we to find the groundings for maximin justice? Plainly, if Rawls is to be taken at his word, in *a world where maximin justice is simply a special case of utilitarianism.* If the second and third of Rawls's three "features" are granted, our only real choice is whether or not to make sure everyone reaches the high plateau above the maximin threshold. We accomplish this by maximin justice. But now, for the hypothetical world as Rawls gives it, we would reach the identical judgment on utilitarian grounds as well.[25] For if there are only two effective levels of welfare, "the greatest good of the greatest number" becomes equivalent to "the good of the greatest number," and maximin becomes a technical rule by which—for *this* world—we may pursue this utilitarian maxim. So, for this hypothetical world, there could be no argument between a Rawlsian and a utilitarian: they would reach the same judgment in the original position. But why should we carry maximin justice, and not utilitarianism, away from this exercise? Rawls gives no satisfactory answer.

The really important question, however, is whether the social contract serves to bind those who must live with its exactions. I suggested earlier that this could be so only if the interests of such persons were taken into account and if no subset of these were permitted to override the rest. Rawls accomplishes this, if he accomplishes it at all, by forcing each party to consider the interests of all. But the second of Rawls's special "features of the situation" instructs this party to the original position that he should care "very little, if anything" for the interests which distinguish among the strata of society. This *ad hoc* assumption quite literally *disfranchises all the interests except those of the social minimum.* These are put aside in the calculations made by persons in the original position because the concerns which divide them from the social minimum seem inconsequential. As the author says with disarming candor, "In order to make the principle regulating inequalities determinate, one looks at the system only from the standpoint of the least advantaged representative man."[26]

Suppose now that we wish to use the social contract doctrine as a method of argument and remonstrance. Suppose in particular that we propose to inflict maximin justice on some person who turns out *not* to find himself in the minimum stratum of society. He wonders whether we took his point of view into account at the original position. In order to decide, we must ask him whether he is concerned about aspects of his welfare which require more wherewithal than the achievable social minimum. If, as seems likely, he

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then we have Rawls's principle as one of many possible principles, and the argument takes on a logic resembling:

> the king of birds is in this forest;
> a robin is in this forest;
> therefore a robin is the king of birds.

See Douglas Rae and James Fishkin, "A Weak Theory of Justice," unpublished paper, Yale University; and see Brian Barry, *The Liberal Theory of Justice* (Oxford: Oxford University Press, 1973).

[23] Rawls, p. 303.

[24] William Fellner, *Probability and Profit* (Homewood, Ill.: Richard D. Irwin Inc., 1965), p. 140 ff. Fellner in fact regards maximin as a very peculiar way to do business (which is after all his subject) and cautions that it ought never be adopted as a "mechanical decision-rule." This is actually what Rawls proposed for the parties to his original position.

[25] Cf. Barry, p. 103.

[26] Rawls, p. 151.

answers yes to this question, we must report that our decision makers have assumed him away. For these persons have acted on the premise that such concerns are, for their hypothetical world, inconsequential. It may still happen that maximin justice is morally unassailable, but we will not have made any progress toward this conclusion *via* Rawls's social contract argument.

The social contract disfranchises all but one social stratum in society, and the principle of justice is correspondingly insensitive to the interests of other strata. It may be imagined that this leads toward a highly equalitarian point of view. Or, judging by the coincidence with utilitarianism as the original position, that it leads toward a general compliance with utilitarianism. Or, as Rawls has suggested, that it leads toward a principled accommodation between these two.[27]

Rawls's general conception of justice, and the allocative clause of his difference principle may be formalized for analysis within the framework adopted earlier for the principles of equality and aggregate maximization:

> *Definition 3: Rawlsian Maximin Justice:* An allocation X is Rawls-preferred to an allocation Y if and only if it has a greater minimum payoff:
>
> $$XR(X,\ Y) \text{ iff } x_{\min} > y_{\min}$$
>
> In words, X is better because it treats the lowest social stratum better.

This is almost accurate, but it is also useful to take into account Rawls's "lexical" caveat: If two outcomes have exactly identical minima, the principle is to be applied at the next higher stratum, and if there be an exact tie here, at the succeeding stratum, until a difference is found. This is, of course, a rather minor caveat since it comes into play only when exact ties occur.[28]

What are the allocative properties of this doctrine? It happens that the principle's performance looks very different depending on the sort of society one imagines. We will therefore "test" the principle in two distinct instances: (1) a two-sided society, and (2) a society with more than two positions. The Rawlsian vision is admirable in the first instance and not in the second. And this should not come as news when we consider the number of strata taken into account by Rawls's decision at the original position: As there come to be more and more non-minimal positions, a greater and greater number of virtually irrelevant positions are born, and embarrassing judgments begin to arise.

Suppose we have exactly two positions in society, and we reason that the trouble with utilitarian maximization is its blindness to distribution, yet the trouble with equality is its blindness to aggregate welfare. But if we maximize at the minimum, we may find the best of both distributive and aggregative concerns. Is this so for a two-position world? There are really just four points to the answer.

First, the equalitarian may sense a sort of betrayal in maximin justice. He may suppose that maximin justice would permit and endorse the general class inequality produced by market society. Suppose that by giving a very great deal to the entrepreneur it were possible to add a penurious fraction to the lot of his workers. This would (a) increase the minimum and thus be approved under maximin justice but (b) vastly widen the difference between rich and poor. Thus one may feel compelled to think of justice as a neatly disguised apology for utilitarian inequality.[29] But there is a difference.

Second, the utilitarian must also find the look of treachery in Rawls's proposal. Suppose, for example, that society could improve the position of the poor infinitesimally at great cost to others. This destructive leveling would then: (a) increase the minimum and thus be required by maximin justice, but (b) vastly decrease the total to be shared, thus offending utilitarianism. We would seem to commit ourselves to the costliest and most destructive of leveling programs in committing ourselves to Rawls's conception.

But it is possible to defend Rawlsian justice against these suspicions by observing that *any judgment required of us by maximin justice must also be supported by equalitarianism, utilitarian maximization, or both.* This is a logically inescapable fact for any two-sided society, and the proof is fairly simple:

(1) Represent the judgments made by the relevant principles as follows:
   (1.1) $XE(X,\ Y)$ reads "X is chosen by the principle of equality (E) from the Set X and Y"
   (1.2) $XU(X,\ Y)$ reads in parallel for utilitarian maximization of the aggregate
   (1.3) $XR\ (X,\ Y)$ reads in parallel for Rawls's maximin justice.

(2) Our claim is wrong if and only if there exist some X and some Y such that:

$$XR(X,\ Y)\ \&\ \sim XE(X,\ Y)\ \&\ \sim XU(X,\ Y)$$

Is this possible?

(3) If (2) held, we would have three inequalities:
   (3.1) since $XR(X,\ Y)$, $X_{\min} > Y_{\min}$

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[27] "Distributive Justice," in *Philosophy, Politics and Society,* Series III, Peter Lasket and W. G. Runciman, eds. (Oxford: Basil Blackwell, 1964), especially pp. 80–81. See also Rawls, *Theory of Justice,* p. 317 ff.

[28] Rawls, p. 83.

[29] Notice that this is much less general than the full utilitarian case for inequality, for we are not permitted to *sacrifice* the interests of the least advantaged. And if envy and calculations from lost opportunity are put aside, the poor must favor such inequalities.

(3.2) since $\sim XE(X, Y), (X_{\max} - X_{\min})$
$\geq (Y_{\max} - Y_{\min})$
(3.3) since $\sim XU(X, Y), (X_{\max} + X_{\min})$
$\leq (Y_{\max} - Y_{\min})$
But can all of these be true for any X and Y?

(4) If (3.1) and (3.2) are both true, it must also be true that $X_{\max} > Y_{\max}$.
(5) But if both (3.1) and (4) are true then it must also be true that $(X_{\max} + X_{\min}) > (Y_{\max} + Y_{\min})$, and in this case (3.3) must be false.
(6) It follows that (2), as it is expanded in (3), cannot hold for any X and Y, and any alternative chosen by maximin must be chosen on grounds of equality or aggregate utilitarianism or both, which is what was to be shown.

This seems to me an intuitively strong claim for maximin justice, but it depends crucially on there being only two positions in society. This is a fourth point, for maximin justice is insensitive to the more advantaged position even in this favorable case. It will permit *any* marginal rate of substitution from the "haves" to the "have nots"; improve the minimum infinitesimally, by the amount "e" and damage the higher position by any amount which keeps it above the minimum, say "c," and the ratio c/e may approach infinity. If there were many nonminimal positions, this could lead to odd results.

The societies which are most interesting to us do not resemble the one formed between Crusoe and Friday. There are many positions, and their interests need not be reducible to the bipolar arrangement just considered. It is possible, for example, to benefit the poorest at the expense not of society's most privileged but at the expense of the nearly poor. Once society must resolve three-cornered quarrels, or quarrels which are more complicated than this, Rawlsian justice become critically insensitive, and this leads to odd results —including a failure to comply with our minimum test.[30]

Suppose that society has M hypothetical strata, each at least as well treated as all those which come after, $a \geq b \geq c, \cdots, \geq m$. And suppose we have two allocations, X and Y. Imagine further that we know exactly *one* fact about these two, namely that $m_x > m_y$; X treats the mth stratum better, and is thus judged superior by the lights of Rawlsian justice. *There remain $M-1$ "free variables" to be considered, yet we are compelled by maximin justice utterly and completely to ignore all of these. So long as any difference occurs in the m^{th} stratum of society, we are morally indifferent to all differences which occur elsewhere.* Let us grant, by moral intuition, that we would choose this lowest of strata as an object of concern if it were necessary that so inattentive a doctrine be selected. But no such necessity exists, and society need not regulate her basic structure by so simple a maxim. This insensitivity corresponds exactly to the effective disfranchisement of nonminimal strata in Rawls's original position, and it leads to unacceptable consequences when one examines the application of maximin justice to questions of social allocation.

In order to see just how much maximin justice ignores, imagine that we were required to submit all allocative questions to one of two judges, each blind in one eye. The first, we are assured, will make just decisions after looking at every stratum save the lowest; the second will make just decisions looking at every stratum save the highest $M-1$. Neither is very satisfactory, but I do not think it requires special reliance on class interest to choose the former as against the latter. And it can be said with still greater confidence that we would, if we could, choose a third judge who could see with both eyes. We might well expect that he would in some sense favor the less advantaged strata over the more advantaged strata, but we should at least demand that he in some way consider all.

Let us submit a particular choice to these judges. In Figure 1, I have drawn two curves indicating two possible distributions of primary goods in some society. X is a simple bell-shaped distribution, with a large middle class tightly clustered near a rather high social mean. There are very thin fringe strata living in opulence on one end and poverty on the other, but nearly everyone receives a level of benefits near the average. Now suppose we took this large bourgeoisie and played dice so that most of its members were pressed down toward poverty and near-poverty while a small elite was elevated to opulence; in doing this, suppose we took away more than we gave in aggregate so that the social mean was depressed. If an analog is helpful, this might correspond to an exploitative colonial power which oppressed the mass native population, and made off with more social wealth than it brought. The result would perhaps resemble the allocation described as Y in Figure 1.

Now we submit this case to each of our one-eyed judges with the following result:

Judge 1: Looking only at the mth stratum, only at what can be seen to the left of the "blind" in your diagram, it is clear to me that the Y distribution is superior. In this case, society treats better those whom she treats worst.

Judge 2: Looking only at the $M-1$ most privileged strata, only at what can be seen to the right of the "blind" in your diagram, it is clear to me that the X distribution is superior. It is

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[30] By "minimum test," it will perhaps be recalled, I mean the rule that no acceptable principle should at once, in a single judgment, urge us to violate the principles of equality and utilitarian maximization.

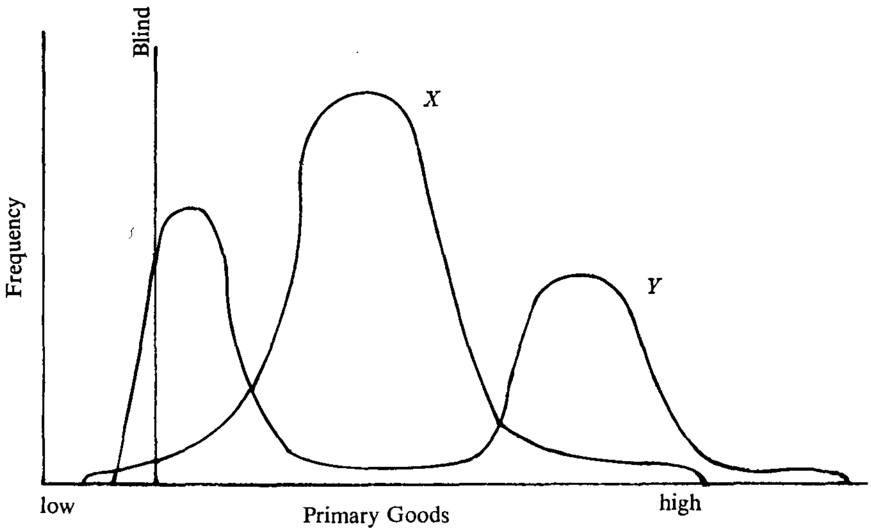

Figure 1

> better than *Y* on utilitarian grounds; it is better than *Y* on equalitarian grounds; it is better on grounds of moral intuition.

Neither of these accounts is based on a full consideration of the relevant facts, but if we must choose between the two, Judge 2 is perhaps the less unsatisfactory. This is not meant to freight Rawls with mischief, much less with a taste for colonial exploitation. It is merely to suggest that *maximin justice requires dramatic inattention to most of the information which would properly illuminate a just principle of justice.* This leads to judgments—like the example just considered—in which justice seems a peculiar ideal indeed.

This inattention, rooted as we have seen in the subtleties of Rawls's social contract, leads maximin justice to fail the minimum test with which we began. I have already proved that maximin justice must enjoy the backing of equality, utilitarianism, or both, in a two-position society. But the proof depends crucially on there being no middle class, nobody who is treated better than the worst-treated yet treated worse than the best treated.[31] Now imagine that we begin with a "middle-class society" (like *X* in Figure 1), then: (1) raise its lowest stratum slightly, (2) depress its middle strata toward the slightly elevated social minimum, and (3) elevate its elite to a condition of splendor. This can occur in an indefinite number of ways. The example given in Figure 1 displays this pattern. So does the following numerical example:

Positions	*Allocations*	
	X	*Y*
A	50	100
B	50	100
C	50	11
D	50	11
E	50	11
F	50	11
G	50	11
H	10	11

Notice, first, what happens if we analyze this example by taking account of *any two strata.* You may confirm by inspection that the Rawls-preferred outcome will always, for each *pair* of positions, choose the allocation which would be more equal or more generous in total or both. This is the result proved earlier. But if we consider *all* positions, as we must, it become obvious that Rawls would have us choose *Y*, yet *X* would be judged superior on utilitarian *and* equalitarian grounds.[32] The principle of maximin justice may therefore require us to choose less less evenly divided instead of more more evenly divided. This is a failure of our minimum test, and Rawls's proposal is in this way unsatisfactory.

A devout Rawlsian is free to point out that unfortunate choices like these will occur only if the

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[31] In the proof given at p. 22 above, the inferences given at (4) and (5) collapse if a middle group is introduced.

[32] The numerical calculations are as follows:

	X	*Y*
total	360	266
mean	45	33.25
mean deviation from the mean	8.75	33.375

The example is not peculiar, and a little tinkering will suggest that innumerable analogous ones are to be found.

world fails to obey the assumption of "chain-connection." This is the view that improvements in the *m*th stratum of society guarantee improvements at all but the highest strata. As Rawls tells us:

> Let us suppose that inequalities in expectations are chain-connected: that is, if an advantage has the effect of raising the expectations of the lowest position, it raises the expectations of all positions in between. For example, if the greater expectations for entrepreneurs benefit the unskilled worker, they also benefit the semiskilled.[33]

If this were true, then all allocative choices would be two-sided, pitting the interests of the $M-1$ lower strata against those of the single highest stratum in society. The attractive properties of maximin justice for two-sided allocations would thus be exported on the wings of assumption to more complex environments. But it is a plain fact that chain-connection constitutes an arbitrary and unwarranted assumption. It would come as news in Wilson's Britain, in Allende's Chile, in Hindenberg's Germany, in Lindsay's New York, in Ford's America. It simply will not do to disfranchise most of the society at the original position, thus to adopt a principle which ignores their interests, and then to reenfranchise them by the invention of an unwarranted causal law. And, even if the world should be made to conform with chain-connection, this would not save Rawls philosophically. For why are we unwilling to apply our precepts of justice to the cases thus excluded? Presumably because these unhappy cases call forth a judgment which we have made but failed to express in our principle. Why shouldn't we say what we mean? The escape via chain-connection seems no more satisfactory, philosophically speaking, than a statute against theft which says, "Robbery is permissible, provided all would-be robbers are kept under lock and key."

To sum up, Rawls has asked a fundamentally important question, yet his response is flawed in two main ways. The social contract theory on which Rawls relies is not an effective device for argument and remonstrance, for it achieves its result by assumptions which obviously disfranchise those with whom remonstrance is required. Moreover, maximin justice seems insensitive to many of the considerations which ought to guide allocative judgments and leads to perverse judgments—ones which violate both equality and utilitarianism at once. Is there a way to retain Rawls's formulation of the issue yet to improve upon his answer?

3. A Principle of General Advantage

Here, very briefly, is an alternative argument. I will begin with a device whose functions more or less parallel those of the social contract and show that it leads to a "principle of general advantage" and to the rejection of the obvious alternative principles. It will become clear, I think, that my argument is akin to Rawls's, and that his maximin justice turns out to be a special case of this new principle in some important cases.[34]

The concept of justice does not apply to allocations, but to choices among them. If there were only a single feasible outcome for a given society, then allocation would hardly present a point of contention, and the function of justice would vanish. What must be justified, then, is always a claim that one allocation should be imposed *instead* of another. And such choices require principles which stand for arguments based on the general interests of society. But how can we decide among the indefinite range of conceivable principles whose surface grammars suggest such generality?

Imagine two contrasting ideal types. First, consider a society in which men and women enjoy only those benefits of social collaboration which may be shared in perfect equality. To each position is given the same claim on society's product. Second, think of a society in which the incumbent of a single position—Rex, if you like—holds a monopoly claim on the full social product. The incumbent need share a portion only in order to keep alive his contemporaries with a view to further profit. Between these two cases lies a continuum of inequality, and we may think of allocations as points arrayed along this span. Similarly, allocative choices may be understood in one essential aspect as movements along this continuum, bringing society closer to one or the other of these polar cases.[35] This continuum of inequality helps us to formulate the question of justice.

It is the choice of inequality, under circumstances where a more equal outcome might have been adopted, which requires positive justification. Suppose we have three possible outcomes, arrayed along a continuum of inequality like so:

$$\text{Least equal} \;\overset{X}{\text{———}}\overset{Y}{\text{———}}\overset{Z}{\text{———}}\; \text{Most equal}$$

The imposition of X requires justification over both Y and Z; the imposition of Y requires justification over Z; the imposition of Z requires no justification, except the absence of justification for either of its less evenhanded alternatives. Here we may usefully distinguish two cases: (1) the choice of an inequality when perfect equality could instead have been chosen, and (2) the choice of more inequality when less inequality could have been chosen. I will later refer to these as "absolute" and "relative" choices of inequality. I will assume that society ought to choose the least inequalitarian allocation available from any set of feasible alternatives unless justification is provided for some other decision. And this justification must be predicated on the general interest of society, not merely the interests of those who benefit from the inequalities in question. We have seen that an indefinite number of principles seem, in their surface grammars, to fit this demand for generality. Yet we need to distinguish those which are general in some deeper way from those which are not. This is the intent of Rawls's social contract as I understand it; it is also the purpose of the exercise which follows. I have seated my argument within the *prima facie* assumption that less inequality is preferable to more inequality. I may be wrong in this, and if I am, the argument which follows must prove unsatisfactory. The assumption is a primitive term of the theory, given without support.[36]

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[33] Rawls, p. 80.

[34] Namely, those with exactly two positions and those in which one available alternative is absolute equality.

[35] The continuum would be measured out against Def. 1, p. 10, (1.3) above. It should be noted that the measurement of inequality is far from simple, and indeed our intuitive sense may lead only to a partial ordering. See Amartya K. Sen, *Economic Inequality* (New York: W. W. Norton, 1973).

Imagine a group of agents, each representing a hypothetical social stratum. These strata form a weak hierarchy of relative advantage in the form,

$$a \geq b \geq c, \cdots, \geq m$$

and have a merely hypothetical standing in two ways. First, they may be only potentially rather than actually stratified. A weak hierarchy admits of the case in which a is not better treated than m, so that all stand in perfect equality. In this case, the strata serve only to indicate a ranking as it would look if inequalities were introduced. Second, these strata bear a merely hypothetical relationship to particular positions or groupings in society. In a society of rich bankers and poor shoemakers, a would indicate the former and m would denote the latter; in a society of rich shoemakers and poor bankers, the order would be reversed. So the agents represent particular interests in only a very thin sense. The agents for the ith stratum represents those positions in society which, in a particular allocation, rank ith. And, if a particular allocative choice happened to change orderings, the same agent, representing the same stratum, might be required to promote the interests of two or more distinct groupings—for example, the bankers who happen to rank ith in one allocation and the prostitutes who rank ith in another. The agents must concern themselves with a formal stratum no matter what concrete social content it takes on at a given moment.

Like Rawlsian parties to the social contract, these agents do not, therefore, have knowably concrete interests. But they do have distinguishable interests and in this way differ from their counterparts in Rawls's argument. If Rawls uses uncertainty to make each party an agent for us all, this argument uses limited knowledge—agents know *which* strata they are to represent[37]—as a way to represent us all piecemeal. Our conflicts of interest are thus reproduced by the conflicts which arise among the interests promoted by these agents.

Each agent is concerned always to promote the interests of the stratum he represents, and no agent has any other concern. In judging any particular allocative choice, each agent must prepare himself to face a hypothetical interrogation by the particular persons who turn out to occupy the positions whose interests fall under his domain in any given decision. He must always be prepared to show truthfully that he has agreed only to those inequalities which would best serve the interests of these persons. And the agents are to assume that these persons derive no benefit from the losses of others through either envy or smugness. This rules out two main strategies of agency, for it will not do, as preparation for interrogation, that I should either: (1) act on a principle of malice or compassion for other strata and their agents, or (2) engage in "log-rolling" whereby the interests of my stratum in one case are sacrificed to those of my stratum in another.[38] In each case, I may find myself unable to explain my performance to those whose interests I have surrendered.

The agents form what might be imagined as a court of allocations. Alternative social policies which affect allocation are brought to this court for judgment. Such choices are decided one at a time, as if they were law cases. The court is to decide in each case which feasible allocation is best, and an inventory of hypothetical judgments is the result. Decisions in favor of any but the most nearly equal allocation available require unanimous consent.

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[36] The assumption is not of course a novel one. It appears in the *Nicomachean Ethics,* Book V, and a great many other places. See, for instance, William K. Frankena, "The Concept of Social Justice," and Gregory Vlastos, "Justice and Equality," both in *Social Justice,* ed. Richard Brandt (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1962).

[37] The inclusion of information about social strata may appear arbitrary, but it is not. For, if we are to agree upon principles of allocation, relative benefits from social allocation appear to be referents of argument by analytic necessity and this holds, so far as I can discover, for no other facts.

[38] Suppose, for example, that you represent one stratum and I another. We make a log-rolling bargain under which my stratum suffers so that yours can gain in Case A, while yours suffers in favor of mine in Case B. I cannot explain my agency to those affected by A and you cannot explain your agency to those affected by B, for the particular individuals (or positions) may very well turn out to be different. Neither of us can say we have represented Smith by sacrificing his interests in one case in favor of some Jones who happens to hold the same rank in another case and perhaps even another historical period.

There is, strictly speaking, no such thing as unanimous structure of decision.[39] Any structure must of necessity permit some group smaller than the whole to impose some outcome for any choice. In our case, this special outcome is the most nearly equal allocation available. Each agent is unilaterally empowered to impose the most equal outcome; only the coalition of all can impose any less evenhanded solution. It follows that agents for lower strata can prevent any higher strata from gaining advantages above the minimum feasible inequality. *The court will therefore permit only those avoidable inequalities which are unanimously agreed to by the agents of all strata.* The argument is that this structure of decision will result in particular judgments which are each just. For if the most equalitarian outcome is chosen, it must be because no general social interest endorses the inequalities passed over; yet if a less equalitarian outcome is chosen, it must be chosen in the interest of all. And each of us must agree that his point of view has been considered, for each does indeed belong to some stratum, and all strata enjoy a definite and equally powerful agent in this court.

We thus arrive at a method for testing the moral hypothesis that a particular principle of allocation expresses the general social interest. The method is to ask whether a given rule would accurately describe the decisions made by an allocative court like the one described. If, for a single case, the court would make a judgment contradicted by the principle, then that principle must be disqualified as a general rule of just allocation. The task of formulating these rules falls not to the court but to us, so that we find ourselves trying to solve a series of inductive riddles. Let me show how this works by considering a few of the obvious possibilities. Begin with the least promising:

Proposal 1: Particularism: Maximize the reward given a particular group in society.

This would mean doing our best by a particular race or caste, or functional grouping, or class defined through ownership and labor. It should be obvious that at least one agent to the allocations court must favor all proposals of this kind, no matter which group is to benefit. The agent for society's first stratum will find pleasure in this suggestion, for the privileged group must become society's highest stratum, and his task of agency must be dispatched splendidly by whatever judgments are reached under this maxim. Thus, he would be pleased by outcome Y in this choice:

Positions	*Allocations*	
	X	Y
Bankers	50	100
A	50	10
B	50	10

But it is impossible to imagine that agents for lower strata will permit this, and indeed they will not. For it would be an unpardonable breach of agency to permit their strata, whether they be populated by shoemakers or professors or men or women or blacks or Europeans, to be sacrificed in the interests of another stratum. The same argument would exclude principles based on combinations of particular interests, for every such combine—however wide—would offend the duty of our agent for the very lowest of social strata. And, if it failed to exclude *any* interest in society, we would arrive at the proposition that we ought to maximize the reward given everyone, which can be interpreted either as a vacuity or as the basic demand of utilitarianism.

Proposal 2: Utilitarianism: Maximize the sum of rewards given to the members of society.

This maxim would lead to a great many judgments which the agents could accept with alacrity. If, for example, a particular outcome benefits everyone in society, when compared to all the other alternatives considered, then unanimous consent should be expected. This would be so even if vast inequalities were required. But there is also the prospect of *predatory* utilitarianism, in which we sacrifice one interest to another. Since our agents are concerned for strata and not for particular groups some such judgments would be accepted, as for example in this case:

Position	*Allocation*	
	X	Y
A	60	55
B	50	70

It is true that agents for particular groups of positions would reject Y as an alternative to X (A's agent says no). But our agents for *strata* would *approve* Y as an alternative to X, for each could advance the interests of his *stratum* by doing so. And moral intuition seems to point toward concurrence in their willingness to approve sacrifices for particular groups which can be objected to only by reference to those groups *in particular*. For such objections would demand obvious special pleading—a desire to require of others what will not be accepted for oneself.[40] But utilitarianism cannot be the rule which describes the general interest, for imagine a case of predatory utilitarianism which takes its bite from the bottom, not from the top of society:

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[39] The argument from unanimity here depends on two quite unworldly aspects of the process: (1) there is an enforceable point of no-agreement which gives absolute equality, and (2) the environment is so static that "nothing happens" except by collective decision. This is obviously a most artificial construct, and bears little resemblance to experience. Cf. Rae. I am also using unanimity in the slightly unconventional sense that indifference is ignored: it counts as unanimity if there is at least one yea, no nays, and an unlimited number of abstentions.

Position	*Allocations*	
	X	*Y*
A	50	100
B	40	20

Utilitarianism leads to a strict preference for the *Y* outcome here, for it is a profitable sacrifice of one position to the advantage of another. Yet for this reason, utilitarianism must not be the rule which describes what would be decided in our court, since the agent for society's lowest stratum must refuse this departure from equality. The same reasoning would cover both classical and average utilitarianism. We can even more quickly dispatch a one-sided concern for equality.

Proposal 3: Equalitarianism: Minimize the average difference between the rewards given to the positions in society.

Equality would, of course, account for the negative side of our social contract. In the absolute choices, any rejected alternative has perfect equality as its alternative; in the relative ones an alternative which fails unanimous consent has a relatively more equalitarian outcome put in its place. But suppose it is proposed that some departure from equality which advantages every stratum be adopted:

Position	*Allocations*	
	X	*Y*
A	30	100
B	30	70
C	30	60

It is obvious that the *X* outcome is perfectly equalitarian, but it is likewise clear that the agents of all three strata must judge *Y* superior, and equalitarianism cannot account for the judgments which they will reach. Next consider the general class of rules for which Rawls's maximin justice is a special case.

Proposal 4: Maximize the reward given to the i^{th} stratum in society.

Suppose, first of all, that the privileged stratum is not the lowest one. If this is so, then what works to its advantage may exact sacrifices from one or more lower strata, and agents for these strata must veto the relevant judgments. Since this would hold for absolute or for relative choices of inequality, the illustrations given against particularism may be repeated against all such cases. And, for the same reasons given there, any conceivable combination of privileged strata must also be put aside.

We are left with maximization for the minimum stratum: Rawlsian maximin justice. Consider first of all those cases (absolute ones) where utterly perfect equality is among the feasible alternatives. Suppose that this perfect equality provides a given payoff, q to each position. Then if we maximize the minimum, and achieve $q+e$ for the minimum stratum, we must have also achieved at least $q+e$ for all the other strata, and this is surely preferable to perfect equality (hence only q) for each stratum. Moreover, the agents for higher strata must see that this is as much as they can achieve, for the agent who represents the lowest stratum is free, unilaterally, to insist on perfect equality. It follows, and this is important, that maximin justice describes the choices which would be made among agents of all strata so long as perfect equality is an available alternative. If the same can be said in all cases, then we must agree that maximin is the general rule we seek.

But suppose we are given a relative choice, one which denies us perfect equality as an available alternative. An example already considered will do nicely:

Position	*Allocations*	
	X	*Y*
A	50	100
B	50	100
C	50	11
D	50	11
E	50	11
F	50	11
G	50	11
H	10	11

Since *X* displays less inequality, it is to be chosen unless unanimous agreement can be achieved in favor of *Y*. But agents for the "middle class"—positions *C* through *G*—must find *Y* unacceptable, and must veto it so that *X* is imposed. Yet maximin justice would indicate a social preference for *Y*, and cannot, therefore, serve as the general maxim which we seek. Rawlsian justice is evidently the special case of our general rule which regulates choices involving absolute inequality but not those involving relative inequality.

The outcomes reached by this hypothetical court fit a quite simple pattern. If we have two feasible outcomes, X and Y, then there are six distinct cases to consider:

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[40] This intuition, of course, arises almost everywhere from the Golden Rule to the Categorical Imperative. Mechanisms for its implementation by means of forced empathy have been with us from ancient times. See in particular William J. Baumol, "Economics of Athenian Drama," *Quarterly Journal of Economics*, 85, no. 3 (1971), 365–76; or R. D. Luce and Howard Raiffa, *Games and Decisions* (New York: John Wiley and Sons, 1957), p. 363 ff. or Rawls, p. 85.

Outcomes Chosen in Hypothetical Court

Strata advantage by:		*Lesser Inequality:*	
X	Y	X	Y
some	some	X	Y
all or some	none	X	X
none	all or some	Y	X

The rule which describes these outcomes obviously takes the form: "Prefer less inequality unless greater inequality advantages some strata at cost to no strata." The last clause is a close cousin to the economist's notion of efficiency dominance applied not to particular persons or positions but to social strata.[41] And this notion of "general advantage" may be given two interchangeable definitions:

> *Definition 4.1: General Advantage:* An alternative X serves general advantage by comparison to an alternative Y if it: (1) advantages at least one stratum yet, (2) disadvantages no strata.

> *Definition 4.2:* An allocation X serves general advantage when imposed over an allocation Y if and only if: (1) for every position in the rejected outcome Y there exists some distinct and at least equal position in the preferred outcome X, and (2) for at least one position in Y there exists a distinct and superior position in X.

The resulting maxim is as follows:

> *Definition 5: Principle of General Advantage:* A less equalitarian allocation is to be preferred over a more equalitarian one if, but only if, this choice serves general advantage.

If there are only two alternatives, this rule needs little elaboration. If there are several alternatives, the rule would be applied by choosing the least equalitarian outcome which nevertheless serves general advantage over *all* its more equalitarian rivals. This means that *we are willing to choose avoidable inequalities only if this can be accomplished without sacrifices to the interests of any stratum.* This is why the principle describes the inventory of judgments to be generated by our hypothetical court of allocations. And it is a doctrine which permits only those advantages to higher strata which may be achieved without sacrifice to lower strata. It is the rule which, I am suggesting, should regulate just allocation.

How does this proposal differ from Rawls's maximin justice? I have tried already to show that this new rule is more firmly grounded in a device for the demonstration of general social interest than is maximin justice. It is true that the present argument depends on *prima facie* equalitarianism as expressed by the equalitarian point of no-agreement. Yet the present argument avoids Rawls's ad hoc "features of the situation," and seems not to disfranchise anyone. But the real issue turns on the choices which would be required of us under general advantage as contrasted with maximin.

First, it will be recalled that maximin justice seems most appealing if society contains only two positions. It is therefore perhaps of interest to see that the principle of general advantage can require a given two-position judgment if and only if maximin would require it as well. If we set aside judgments between two identical outcomes, for which both principles are obviously indifferent, then only eight relevant possibilities occur for two-position societies:

	$X_{\min}(?)Y_{\min}$	$X_{\max}(?)Y_{\max}$	$XR(X, Y)$	$XJ(X, Y)$	Why $XJ(X, Y)$ or not
1	$>$	$>$	1	1	gen. advantage (X)
2	$>$	$=$	1	1	gen. advantage (X)
3	$>$	$<$	1	1	equality (X)
4	$=$	$>$	1	1	gen. advantage (X)
5	$<$	$<$	0	0	gen. advantage (Y)
6	$<$	$>$	0	0	equality (Y)
7	$<$	$=$	0	0	gen. advantage (Y)
8	$=$	$<$	0	0	gen. advantage (Y)

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[41] This rule is indeed a cardinal (versus ordinal) analog for what the welfare economists would call a "compensation test": a gain for one person is legitimate if and only if he can compensate all losers yet still retain a surplus for himself.

By using a cardinal framework, I have put aside much of the complexity which surrounds these tests in the work of Kaldor, Skitovsky, Hicks, and Samuelson. As will be seen below, however, my principle does *not* escape the transitivity problems which plague tests of compensation in welfare economies. For a convenient introduction to this literature, see E. J. Mishan, *Welfare Economics: An Appraisal* (The Hague: North Holland, 1970); or J. M. D. Little, *A Critique of Welfare Economics,* 2nd edition (Oxford: Oxford University Press, 1957).

Inspection of this table should demonstrate that X will be chosen under the principle of general advantage if (cases 1 through 4) and only if (5 through 8) X is also chosen under maximin justice. This suggests that the new rule is a cousin to Rawls's rule; indeed, for these simplest cases, following the one means following the other.

The two rules are also alike in another way. Suppose we begin with a condition of absolute equality and ask when, if ever, it may be just to depart from it. Maximin justice would require, when Rawls's lexical caveat is taken into account, simply that some positions be elevated above the initial position of perfect equality if (and only if) none are thus pushed beneath it. The principle of general advantage would demand exactly the same: some strata must gain while none lose, or else the absolute state of equality is to be preferred. This is a decisive way in which both principles depart from utilitarianism, for both reject the opportunity to sacrifice some if more than compensating advantages are won for others. One is again struck by the kinship of judgment displayed by these two rules.

But there are important differences. I have already shown that maximin justice may fail our minimum test, by requiring that we prefer outcomes which divide less less evenly over ones which divide more more evenly. If my argument is correct, and the new rule is sensitive to all the relevant interests, then this should not be true for the principle of general advantage. In fact, *any judgment required of us by the principle of general advantage must in all cases also be required of us by utilitarianism, equalitarianism, or both.* The essential point is easily shown. It should be obvious that an alternative X which is to the general advantage over an alternative Y must for that reason offer a greater total benefit. If some strata enjoy more and none less, the total can hardly fail to appreciate. Now consider the outcome which is chosen under our principle as an arbitrary point located somewhere on a continuum of inequalities:

$$\text{Less equal} \;\overset{X}{\text{———————————}}\; \text{More equal}$$

Assume that the point X has been adopted under the rule of general advantage, but that an indefinite array of other (rejected) alternatives also lie on the same continuum. Can any one of these be commended to us on both utilitarian and equalitarian grounds over X? Consider first the class of alternatives which lie to the right of X. Each is preferred on grounds of equality. But X must, under the principle in question, serve general advantage over all such points, and must thus be superior on utilitarian grounds. So, if there exists an interesting alternative it must lie on X's left flank. But X is superior on equalitarian grounds to all such points. The only remaining possibility is X itself, and the general point must stand: *The principle of general advantage must require only judgments which* are supported by utilitarianism, equality, or both.

The principle of general advantage thus functions in part as a way of deciding between distributive and aggregative concerns. We violate the distributive demands for equality only if this is to the advantage of some strata yet to the disadvantage of no strata. We pursue aggregative concerns only when an increase in the total may be achieved without sacrificing the interests of some strata to those of other strata. Seen in another light, the principle offers a method of justification for those inequalities which *are* permitted. For, in addressing a person who is relatively disadvantaged by an inequality, we may point out that he or others similarly situated would suffer an absolute loss if we leveled the differences of which he complains. And, in addressing an already advantaged person who demands more, we may point out that demand implies a loss for someone who is already worse off than he. Unlike Rawls's own maximin principle the proposed rule seems to me a natural way of going on from Rawls's admittedly vague first approximation for the general conception of justice: "All social values . . . are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage."[42] The principle of general advantage may, perhaps, be viewed as one way of saying what is meant by "everyone" in this formula.

While the proposed principle enjoys certain advantages when compared with maximin, it would be unfair to finish without pointing up two obvious difficulties. First, the principle of general advantage violates some important criteria of formal rationality. Using the language of Kenneth Arrow's general possibility theorem,[43] one can show that the principle must violate either or both of two such norms. Suppose, first, that we apply the principle synoptically, so that all possible outcomes are judged at once. And suppose that we judge a given outcome X to be better than a given outcome Y. Then a new possibility, Z, is introduced; it may happen that we will now reverse ourselves so that Y is preferred over X. This violates the principle that our judgments ought to remain "independent of irrelevant alternatives."

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[42] Rawls, p. 303.

[43] *Social Choice and Individual Values,* 2nd edition (New Haven: Yale University Press, 1963). For more on the present point see Brian Barry and Douglas Rae, "Political Evaluation," *Handbook of Political Science,* Nelson Polsby and Fred Greenstein, eds. (Reading, Mass.: Addison-Wesley, forthcoming, 1975).

Or, suppose we apply the principle of general advantage incrementally, considering a series of overlapping sets of allocations. It may, in this case, happen that we first judge X better than Y; then Y better than Z; then Z better than X.[44] We will thus have gone in a circle: scissors cut paper, paper wraps rock, rock breaks scissors. This happens because we are responding to several distinct considerations. And this property is shared with many important social forms, such as democratic voting, market exchange, the principle of popular responsiveness, and the principle of efficiency. This is an admitted liability, and maximin justice avoids it by responding to so little.

Finally, it should be clear that the principle of general advantage may work to the disadvantage of the least advantaged. This would happen whenever an outcome worked to their advantage but did so at such sacrifice to other less privileged groups as to increase total inequality. This indeed suggests a very general pattern of impossibility. Suppose we demand that a principle of just allocation meet three tests:

(1) *Decisiveness:* The principle should pick some best outcome from any set of alternative allocations,
(2) *Minimum test:* The principle ought never to violate both equalitarian and utilitarian judgments at once,
(3) *Nonpredation:* The principle ought never to sacrifice the interests of the least advantaged.

It can be seen, as a simple extrapolation from the argument given earlier against maximin, that no conceivable principle of allocation can meet all three of these demands. For the first principle demands that we meet all conceivable choices, and the other two demand that we have it both ways when confronted with a choice in which the interests of the least advantaged conflict with both equalitarian and utilitarian sensibilities. That this prospect involves a contradiction is clear from the examples used against Rawls already. There is indeed no way to satisfy all of these considerations at once. And it may happen that the concept of justice will order only some of the choices before us. Justice may, in other words, be a partial concept, a point which cannot be pursued in this paper. It should in closing be obvious that both Rawls's doctrine and the present alternative will order many of the choices before a society like our own. Both would undoubtedly demand a great deal by way of downward redistribution. And both principles would almost certainly lead us to doubt whether such standard institutions as the market and electoral democracy are apt to promote justice.

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[44] Suppose we have some X, Y, and Z such that:

(i) X is chosen from (X, Y) by general advantage,
(ii) Y is chosen from (Y, Z) by equality and the absence of general advantage,
(iii) Z is chosen from (X, Z) by equality and the absence of general advantage.

We will, in such a case, be led to an intransitivity of the kind suggested in the text. If a numerical example is required, let X provide 100 to the first stratum and twenty to all others; let Y provide twenty to all strata; and let Z provide fifty to all strata save the lowest, which receives 10. Rawls escapes this by violating another of Arrow's conditions, "non-dictatorship," as is shown by Charles Plott's "Rawls's Theory of Justice: An Impossibility Result," unpublished paper, Public Choice Society, New Haven, 1974.

Justice: John Rawls Vs. The Tradition of Political Philosophy

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The Promise and the Problem

John Rawls's *A Theory of Justice* has attracted more attention in the Anglo-Saxon world than any work of its kind in a generation. Its vogue results from two facts: It is the most ambitious political project undertaken by a member of the school currently dominant in academic philosophy; and it offers not only a defense of, but also a new foundation for, a radical egalitarian interpretation of liberal democracy. In method and substance it fits the tastes of the times. Professor Rawls believes that he can provide persuasive principles of justice that possess the simplicity and force of older contract teachings, that satisfy utilitarianism's concern for the greatest number without neglecting the individual, that contain all the moral nobility of Kant's principles, that will result in a richness of life akin to that proposed by Aristotle, and that can accomplish all this without falling into the quagmires of traditional philosophy. This is a big book, not only in the number of its pages, but in the magnitude of its claims, and it deserves to be measured by standards of a severity commensurate with its proportions.

Liberal democracy is in need of a defense or a rebirth if it is to survive. The practical challenges to it over the last forty years have been extreme, while the thought that underlies it has become incredible to most men living in liberal democracies. Historicism, cultural relativism, and the fact-value distinction have eroded the bases of conviction that this regime is good or just, that reason can support its claims to our allegiance. Hardly anyone would be willing to defend as truth the natural right teachings of the founders of liberal democracy or of their philosophic masters, as many, for example, defend Marx. The state of nature and the natural rights deriving from it have taken their place beside the divine right of kings in the graveyard of history. They are understood to be myths or ideologies of ruling classes. One need only recall the vitality of the thought of liberal democracy's great opponents, Marx and Nietzsche, and reflect on the absence of comparable proponents to recognize the magnitude of the crisis. A renewal in the light of these challenges, theoretical and practical, is clearly of the first importance.

But, disappointingly, *A Theory of Justice* does not even manifest an awareness of this need, let alone respond to it. In spite of its radical egalitarianism, it is not a radical book. Its horizon does not seem to extend to the abysses which we have experienced in our own lifetimes; the horrors of Hitler and Stalin do not present a special or new problem for Rawls. Rather, his book is a correction of utilitarianism; his consciousness is American, or at most, Anglo-Saxon. The problems he addresses are those of civil liberties in nations that are already free and of the distribution of wealth in those that are already prosperous. The discussion is redolent of that hope and expectation for the future of democracy that characterized the late nineteenth and early twentieth centuries, forgetful of the harsh deeds that preceded it and made it possible, without anticipation of the barbarism that was to succeed it.

Just as the political concern which appears to motivate Rawls is narrow and thin, so is his view of the theoretical problems facing anyone who wishes to accomplish what he proposes to accomplish. Simply, historicism, whether that of Marx or that of Nietzsche and the existentialists, has made it questionable whether an undertaking such as Rawls's is possible at all; yet he does not address himself to these thinkers. He takes it for granted that they are wrong, that they must pass before his tribunal, not he before theirs. Marx is not treated, and Nietzsche is quickly dispatched, improbably, as a teleologist. I am aware that it is not Rawls's intention to write a history of political philosophy, and it is not incumbent on him to present a critique of Marx and Nietzsche. But the issues raised by Marx and Nietzsche must be dealt with if Rawls is to be persuasive at all. If liberal democracy is just a stage on the way to another kind of society, then Rawls is merely an ephemeral ideologist. And if rational determination of values is in the decisive sense impossible, then Rawls is only a deluded myth maker. He supposes that his method makes a detour around these roadblocks, that there is no need to discuss nature and history. Throughout this book one wonders about the status of Rawls's teaching. Is it meant to be a permanent statement about the nature of political things, or just a collection of opinions that he finds satisfying and hopes will be satisfying to others? One finds no reflection on how Rawls is able to break out of the bonds of the historical or cultural determinism he appears to accept, and no reflection on how philosophy is possible within such limits or what it means to be a philosopher. Is he a seeker after the truth, or only the spokesman for a certain historical consciousness?

What Rawls explicitly undertakes to do is to provide principles for our pre-existing moral sense, to elaborate the implications of our intuitions or convictions, to tell us what we mean when we speak of justice, to find a basis of agreement among our contemporaries. He believes that there is a *via media* between subjectivity pure and simple and telling us what the world is really like. But, again, the question always present is whether that moral sense is anything other than a mere preference, one conditioned by our time and place. Rawls takes it for granted that we are all egalitarians. Aristocratic teachings are inadmissible, but it is not clear whether this is because they are based on an untrue understanding or because we do not like them any longer. Conversely, it is unclear whether our egalitarianism is a result of the revelation of the fact of men's equality or whether it is just what we happen to like today.

Rawls thinks that his procedure is Socratic. Socrates, however, did not begin from sentiments or intuitions but from opinions; all opinions are understood by Socrates to be inadequate perceptions of being; the examination of opinions proves them to be self-contradictory and points toward a noncontradictory view which is adequate to being and can be called knowledge. If opinion cannot be converted into knowledge, then the rational examination of opinions about justice, let alone of senses about justice, is of no avail in establishing principles according to which we should live. It is even questionable whether such examination is of any use at all. Rawls begins with our moral sense, develops the principles which accord with it, and then sees whether we are satisfied with the results; the principles depend on our moral sense and that moral sense on the principles. We are not forced to leave our conventional lives nor compelled, by the very power of being, to move toward a true and natural life. We start from what we are now and end there, since there is nothing beyond us. At best Rawls will help us to be more consistent, if that is an advantage. The distinctions between opinion and knowledge, and between appearance and reality, which made philosophy possible and needful, disappear. Rawls speaks to an audience of the persuaded, excluding not only those who have different sentiments but those who cannot be satisfied by sentiment alone.

Thus, those who turn to Rawls hoping to find a reasoned statement of the superiority of liberal democracy to the other possibilities or a defense of the rationalist tradition of political philosophy will not find what they are looking for. They will find reassurance that their sentiments are sufficient, that they need not enter the disputes of the philosophers; they will be made to feel at home rather than made to long for distant worlds; they will be nudged in the direction of more reform and tolerance in accordance with the prevailing tendency of our regime; and they will be given a platform that would appeal to the typical liberal in Anglo-Saxon countries: democracy plus the welfare state—leaving open whether capitalism or socialism is the most efficient economic form (so that one need not be a cold warrior); maximum individual freedom combined with community (just what is wanted by the New Left); defenses of civil disobedience and conscientious objection (the civil rights and anti-war movements find their satisfaction under Rawls's tent); and even a codicil that liberty may be abrogated in those places where the economic conditions do not permit of liberal democracy (thus saving the Third World nations from being called unjust). This correspondence, unique in the history of political philosophy, between what is wanted by many for current political practice and the conclusions of abstract, rigorous political philosophy would be most remarkable if one did not suspect that Rawls began from what is wanted here and now and then looked for the principles that would rationalize it.

Justice and the Original Position

A theory of justice must show what a decent regime is and what duties citizens owe to it. Rawls's problem is the classic one: what kind of a civil society would a reasonable man choose to live in and why should he obey its commands when they go against his grain? Rawls assumes that there is a form of civil society that can reconcile public and private interest and hence that a true political philosophy is possible. He argues that the principle of utilitarianism—the greatest good of the greatest number—is the one generally accepted today and that it does not suffice. Out of the many possible criticisms of that principle he selects the one that it does not satisfy the demands of the few, in particular of the economically disadvantaged few. He accepts the utilitarian position that each individual's view of his good *is* his good and that it is the business of society to attempt to satisfy the individual to the extent the fulfillment of his wishes does not do harm to others and not to propose or impose a view of the good on the individual or to have a collective end. The objection to utilitarianism is that it does not insure consideration of each individual and that, in spite of its individualist basis, the disadvantaged are sacrificed on the altar of the collective. Rawls proposes a contract according to which every man gives his adherence to civil society only on condition that he be guaranteed certain minima which one might call rights. Such a contract serves to set the goals and limits of civil society, to prescribe duties to rulers and to motivate the citizens' adherence as well as to define their legitimate claims.

Although Rawls goes back in time to seek a model for his theory of justice, he brings a fresh set of concerns to the contract doctrine. It must somehow be transformed to accommodate sensibilities that have emerged historically out of utilitarianism and popular dissatisfaction with it. Men must have equal rights not only to "life, liberty and the pursuit of happiness," but to the achievement of happiness. Inequalities, whether they stem from birth, fortune or nature, should be offensive to us. Thus to the familiar principle of liberal democracy that each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others, Rawls adds a second principle that all goods are to be equally distributed or, if unequally distributed, this unequal distribution must be agreed to be to the advantage of all as measured by the desires of the least advantaged member of society. Rawls seeks a new morality which will constrain the advantaged to admit that the possession or use of their advantages depends upon the permission of an egalitarian society, one which will persuade the disadvantaged that whatever inequalities exist are to their advantage. Rawls's innovation is to incorporate the maxims of contemporary social welfare into the fundamental principles of political justice. Not only must material goods be provided to each citizen, but also an equal sense of his own worth, recognized by others; for, after all, man does not live on bread alone.

The disadvantaged, or, to say what Rawls really means, the poor, must be listened to, not condescended to or told how they should live; and the attention paid them must be grounded on the most fundamental right which precedes institutions and in accordance with which institutions are formed. A man does not, as Plato said, have a right to what he can use well; or, as Locke said, to that with which he has mixed his labor; or even, as Marx said, to what he needs; he has a right to what he thinks he needs in order to fulfill his "life plan," whatever it may be. With respect to ends, government for Rawls must *laisser faire;* with respect to the means to the ends, it must *beaucoup faire.*

Once Rawls has determined what is wanted, he seeks for a way of deriving or demonstrating his two principles of justice that will be persuasive and that will exclude conflicting principles. A contract made by all the future members of the new society to abide by these principles would fill the bill. But why would superior men agree to a contract that requires them to make sacrifices for the benefit of the disadvantaged? A common ground of advantage, more fundamental than any particular advantage, must be found in order to gain unanimous consent. This need for a common ground is the source of the elaborate construction of "the original position" which is *the* feature of this exceptionally complex book.

Every understanding of man must have some vision of the fundamental situation, free from the accidents and trivia which distract us from the one thing most needful, a situation in which a man can discern what really counts and on the basis of which serious men guide their lives. The Best Regime of Plato and Aristotle, the City of God of Augustine and the State of Nature of Hobbes, Locke, and Rousseau come immediately to mind as powerful alternatives according to which we are asked to take our bearings. Now comes Rawls's "original position" which, if we are willing to assume it, will compel us to accept his two principles of justice and his version of society.

The "original position" amounts to something like this: Ask a man, any man, what kind of a society he would like to live in, assuming that he wants to live in a society. He would describe one that fulfilled his idea of the good, one that would make him happy. But he knows that other men have different ideas of the good that conflict with his, so that it is unlikely that his idea will prevail; and even if it were to do so, those other men would be deprived of their happiness. If he were to imagine that he did not know what view of happiness, what "life-plan," he were going to have, but did know that he would have a "life plan," what kind of a society would he choose? In this case he would be choosing under what Rawls calls "the veil of ignorance." Since there are many possible "life-plans," none belongs to man as such; therefore, it is not unreasonable to assume that men in the original position do not know their goal but know only that they must have one. The different final goods cannot be reconciled, and it is undesirable that they be so. Inevitably, according to Rawls, a man in this situation would choose a liberal society, for at least he would be permitted to pursue his goal, if it did not do harm to others, whereas he would otherwise risk losing his happiness altogether. Better a little than nothing—so cautious calculation would seem to indicate. This provides a ground for agreement among men who are similarly situated. They would accept Rawls's first principle of justice.

Further, although this man does not know the good, the final end, he knows that there are certain things that will contribute to the fulfillment of his life-plan, no matter what its content. These things one can call primary goods, good because they serve whatever good is final. They are things like rights, liberties, birth, talent, position, wealth, a sense of one's own worth. Our typical man would want to have as much of these primary goods as possible. Some are natural and others are effects of social arrangements; but possessing them depends on chance. He would want a society which encourages the use of what nature gives and assures that he gets the most of what society can give. But, if the veil of ignorance descends again, he would opt for equality, since, given the fact of the relative scarcity of primary goods, he would be likely to have less rather than more of an unequal distribution. The natural primary goods he would choose to use and develop only insofar as they contribute to the happiness of all and they are harnessed by the institutions to that end. The social primary goods, like wealth, he would allow to be unequally distributed only to the extent that the least advantaged member of society, which he might be, would gain from that unequal distribution and could hope to improve his own situation thereby.

In this condition of ignorance, calculating men will agree to Rawls's second principle. A contract is made for mutual advantage on a basis of equality. This contract sets down the rules of the game; justice in a man is abiding by his agreements, keeping his word. Justice is fairness in the sense that it is only fair to abide by the results of a game the rules of which are seen to be reasonable and just, even though one might have wished for another result and would like to alter the rules for one's personal advantage. Rawls's recipe contains equal measures of selfish calculation in the original position and public spiritedness—in the form of fair play—after real social life has begun. A man cannot be expected to join a group in which his happiness is not promoted equally with that of others. A society which gives him that equality of treatment deserves his adherence. Once men are aware of the original position they will abandon their overreaching: they will recognize that there are no legitimate claims to special privilege and will be dissuaded from using the power deriving from any unequal possession of primary goods to command such privileges.

The "original position" is an imaginary foundation which Rawls wishes to insert beneath the real edifice of liberal society in order to justify that society. It is invented rather than discovered, and one may well doubt whether it is substantial enough to support such a structure.

The "Original Position" vs. The State of Nature

In order to see the difficulties inherent in the "original position," it must be compared to the "state of nature" in the contract teachings of Hobbes, Locke, and Rousseau, for Rawls intends his invention to play the same role in his presentation of justice as did the state of nature in theirs. And the change of name is indicative of the decisive difference in substance. Rawls banishes nature from human and political things. The state of nature was the result of a comprehensive reflection about the way all things really are. Hobbes, Locke, and Rousseau could not be content with a figment of the imagination as the basis for moral judgments. Nature is *the* permanent standard; what the good man and the good society are, depend on human nature. The state of nature is the result of a specific understanding of nature founded on a criticism and a rejection of an older understanding of nature and its moral and political consequences. The state of nature theorists, therefore, agreed with Plato and Aristotle that the decisive issue is nature; they disagreed about what is natural. Metaphysics cannot be avoided. If there is to be political philosophy, they believed, man must have a nature, and it must be knowable. Rawls does not wish to enter into such disputes, the validity of which has once and for all been refuted by his school. And his political goals are furthered by the imperatives of his method, for he does not wish to accept the iron limits set by nature on the possibilities of transforming the human condition. Although he sometimes rests an argument on what he calls human nature, his thought is directed not only at overcoming those injustices which are against nature but at overcoming nature itself. He wants the advantages of the state of nature teaching without its (to him) unpleasant theoretical and practical consequences.

The state of nature presented a picture of man as he really is, divested of convention, accident and illusion, a picture grounded on and consistent with the new science of nature. Man, according to the real contract theorists, is a being whose primary natural concern is to preserve himself, who enters into the contract of society because his life is threatened and he fears losing it. That fear is not an abstraction, a hypothesis, an imagination, but an experience, a powerful passion which accompanies men throughout their lives. This passion is sufficient to provide a selfish reason, a reason that men can be counted on having, for adherence to a civil society which is dedicated to preserving them. The conflict between particular interest and public good disappears. The reason why this passion is not ordinarily effective enough to guarantee lawful behavior is that men in civil societies which protect them forget how essential that protection is. They get notions of self-sufficiency; they pursue glory; they break the law for their pleasures. And, above all, their religions persuade them that there are things more important than life or that there is another life, thus calming the fear of losing this one and encouraging disobedience to civil authority. The state of nature is intended to reveal the nullity or secondary character of these other passions and these hopes of avoiding the essential and permanent vulnerability of man. Death is the natural sanction for breaking the contract, and the state of nature shows both that this is so and that the goods which might conflict with desire for life are insubstantial. The positive law is merely derivative from this sanction and gets its force from nature. The state of nature demonstrates that the positive goals of men which vary are not to be taken seriously in comparison with the negative fact on which all sensible men must agree, that death is terrible and must be avoided. They join civil society for protection from one another, and government's sole purpose is the establishment and maintenance of peace. This origin and end of civil society is common to the contract theories of Hobbes, Locke, and Rousseau in spite of their differences. And whether they believed the state of nature ever existed or not, it was meant to describe the reality underlying civil society. Man's unsocial nature and the selfish character of the passion that motivates men's adherence to civil society limit the possible and legitimate functions of that society.

Now, Rawls's "original position" fails to achieve what the state of nature teaching achieved. Apart from the fact that there is nothing in the original position that corresponds to any man's real experience, the fear of death disappears as the motive for joining civil society and accepting its rules. Rawls is very vague about the reasons for joining civil society and, because he does not want to commit himself to any view of man's nature, it cannot be determined whether the attachment to society—attachment in the sense of obeying its laws—is really so important for a man in fulfilling himself. With the disappearance of the fear of death as the primary motive, the sanction for breaking the contract also disappears. In civil society contracts are protected by the positive law and the punishment it can inflict. Prior to civil society, there must be a natural punishment or none at all. A man whose desires or view of happiness urge him to break a contract that has no sanctions, no authority, would be foolish not to do so. After all, life is not a game. He exists naturally, while civil society is merely conventional. Either there is some essential harmony between private and public good or there is none. If there is none, on what basis can one arbitrate between the two? Rawls does not provide a basis for the reconciliation or anything more than a sermonizing argument for the nobility of sacrifice to the public good.

What Rawls gives us in the place of fear is fairness. But that is merely the invention of a principle to supply a missing link. Why should fairness have primacy over the desire for self-fulfillment? Once we leave the "original position" and the "veil of ignorance" drops, the motive for compliance falls away with it. When we leave the state of nature, the passions found there remain with us and provide powerful reminders of that earlier state and our reasons for preferring the civil one. But the "original position" is a bloodless abstraction which gives us no such permanent motive. Fairness is a reasonable choice of enlightened self-interest only in the "original position." Fairness as something more, as choiceworthy for its own sake, cannot be derived from the "original position." It is a tattered fragment of an earlier tradition which argued that man is naturally political and that the practice of justice will make a man happy. The state of nature begins from the natural isolation of man and teaches that society and its justice are good only as means to an end. The natural sociality of man is inconsistent with individualism or anything like the freedom of choice among ends which Rawls wishes to preserve, or the notion that man's relation to society is in any way contractual. It requires a rigorous subordination of particularity to the community and all the harder virtues of self-restraint about which Rawls never speaks. He is an individualist, but he does not wish to accept the harsh practical and theoretical consequences of that individualism. In order to pose the issue clearly he would have to confront the opposing views of human nature underlying the contract teaching and the one that asserts that man is by nature a political animal. Fairness simply does not cohere with his shrewd, calculating individual in the "original position."

Rawls's egalitarianism is similarly without foundation, for he does not want to accept the low common denominator of the true state of nature theory. He wants an equality which extends beyond mere life to all the things social men care about. All men, no matter what their qualities of mind or body, no matter what their virtues or their contributions, must have a legitimate claim to all goods natural and social, and society's *primary* concern must be to honor that claim. He must therefore abstract from all the evident inequalities in men's gifts and achievements, but he can find no firmer ground for this abstraction than that it is what he wants, that it is required for his "original position" to work. But it is a long way from the rights of nature to the rights of the original position. The latter rights are hardly likely to inspire awe in anyone who believes himself to be superior. The contract theorists consciously lowered man's sights and his view of himself in order to make equality plausible and found a common interest. It is not in a situation of neutral "reflective equilibrium" that man chooses civil society, but in the grip of powerful natural passions which control and direct his reason and reduce him, willy-nilly, to the level of all other men. Rawls does not want to follow these theorists in this respect, although he wants to have all the advantages he sees in their teachings. The state of nature teachings are connected with a denial of the nobility of man and thereby of the nobility, if not the utility, of morality, and their authors were aware of this. Rawls does not wish to stoop low enough to benefit from their solidity, but what he adopts from them prevents him from soaring to the moral heights to which he aspires.

As opposed to the contract theorists who taught that the strongest thing in man is his desire to avoid death and who took their bearings by that negative pole, Rawls insists on the positive goal of happiness. The contract theorists took the tack they did because they denied that there was a highest good and hence that there could be knowledge of happiness; there are only apparent goods, and what happiness is shifts with desire. Men have always disagreed about the good, indeed, this has been a source of their quarrels, particularly in matters of religion. The contract theorists tried to show that this factual disagreement reflects a theoretical impossibility of agreement. Out of this bleak situation which seems to make political philosophy impossible, they drew their hope. If the importance of all particular visions of the good can be depreciated, while all men can agree on the bad and their inclinations support its avoidance, then solid foundations can be achieved. But it has to be emphasized that a precondition of this result is the diminishing of men's attachment to their vision of happiness in favor of mere life and the pursuit of the means of maintaining life. Rawls, while joining the modern natural right thinkers in abandoning the attempt to establish a single, objective standard of the good valid for all men, and in admitting a countless variety of equally worthy and potentially conflicting life plans or visions of happiness, still contends, as did the premodern natural right thinkers, that the goal of society is to promote happiness. Thus he is unable to found consensus on knowledge of the good, as did the ancients, or on agreement about the bad, as did the moderns. He is able to tell us only that society cannot exist without a consensus, but he does not give any motive for abiding by that consensus to the man who is willing to risk the breakdown of actual society in order to achieve his ideal society—which is what any man who loves the good must do. Only the "veil of ignorance" in the "original position" makes consensus possible; but once the scales fall from a man's eyes, he may very well find that his life plan does not accord with liberal democracy. Rawls asks that only those life plans that can co-exist be accepted, but he is not sufficiently aware of how far this demand goes and how many life plans must be rejected on this ground—and all for the sake of a peace the value of which is unproved.

The Goodness of the "Primary Goods"

Because Rawls does not take seriously the possible conflict of important values, because he really presupposes the existence of the consensus he believes he is setting out to establish, because he would prefer to simplify the human problem and narrow our alternatives rather than face fundamental conflicts requiring philosophic reflection, Rawls does not see that the contract theorists could not be satisfied with rejecting some views of the good as merely incompatible with the contract but had to find grounds for showing that they are untrue. Their understanding of nature was requisite to their political teaching, for opposing doctrines to which men were passionately committed denied the authoritative status of the civil law and the contract from which it stems, as well as the value of the life the contract is intended to protect. Rawls speaks condescendingly of Rousseau's assertion that men who think their neighbors are damned cannot live in peace with them. We know better than Rousseau; our experience shows that pluralism of religious belief works just fine. We need not worry, only a few fanatics who constitute a clear and present danger need be restrained. But Rawls does not know what faith is. He looks at the believers around us, not knowing that religion has been utterly transformed, partly as a direct result of the criticism of the contract theorists, partly as a result of the liberal society of which they were the inspirers. The kind of men who fought the wars of religion could not be asked to give up their quest for salvation for a peace they despised; they had to be made to disappear. Either they were wrong in their beliefs, or their actions were justified.

The state of nature was intended as a substitute for the biblical account of the origin of man and society, a rational account in place of the one provided by revelation. Its theorists had no objection to a tepid faith, one that would not lead men to challenge civil authority. But in order to achieve this result the meaning of faith had to be drastically revised. Rawls, looking at the believers of our day in America, whose religious views are the fruit of Enlightenment thought, assures us that faith is no threat to the social contract and that Locke and Rousseau were needlessly intolerant. Thus he profits from their labors without having to take on their disagreeable responsibilities. Hobbes, Locke, Rousseau knew that their teaching could not be maintained if biblical revelation were true and that there was no way to avoid confronting it directly. Rawls, counting on men's having weak beliefs, simply ignores the challenge to his teaching posed by the claims of religion.

This becomes clear in Rawls's discussion of what he calls the primary goods. The notion "primary good" plays the same role in Rawls's teaching as does "power" in Hobbes's, and Rawls's list of primary goods is similar to Hobbes's list of powers. But for Hobbes powers are not simply neutral. They depend on ends, and there are some ends or life plans for which all the listed primary goods would be evils. What is wealth for him who believes that it is easier for a camel to go through the eye of a needle than for a rich man to enter into the kingdom of heaven? What is health for him who believes with Pascal that sickness is the true state of the Christian? And how does the sense of one's own worth, rather than humility, accord with the man who believes he is a sinner? To treat these things as goods is equivalent to denying that view of things in which they are the opposite.

And Hobbes does deny the validity of the opinions which are incompatible with the powers on his list. Rawls avoids denying such opinions by not paying attention to them. He only takes seriously opinions which fit the society he proposes. For example, the possibility of revelation was a question which occupied much of the best energies of Hobbes, Locke, Rousseau, and Kant. It is quite evidently not a question that bothers Rawls very much. At the very least, Hobbes must argue for the pre-eminence of this life and deny that happiness in this life can be achieved or maintained without these powers. A comprehensive reflection about the nature of things is implied in this list of powers. Hobbes argued that we cannot know what will make us happy (although we must know what will not and cannot make us happy) but that we can know the means to the satisfaction of desire. It follows, therefore, that we should pursue those means, we should seek power. And thus it also follows that, consequent to the depreciation of the ends, power in a way itself becomes the end. The low tone, the philistinism, the concentration on preservation and wealth in Hobbes is a result of the primacy of power in his teaching. The popular criticism of the bourgeois is really the criticism of Hobbes's man. But that tone follows inevitably if the great and noble ends are merely insubstantial opinions whereas health and wealth are the stuff of being. Moreover, in the establishment of public policy, one inevitably concentrates on what is real and what the citizens have in common. It is by way of Hobbes and of Locke—who follows Hobbes in this respect—that economics comes to the center of politics, where it remains for Rawls.

Rawls's acquiescence in the emancipation of the means from the ends makes him an unwilling collaborator in Hobbes's moral revolution. He would undoubtedly protest that his interest is men's happiness, but he has little to tell us about it. When it comes to the primary goods, however, he has much to say. His political proposals are nothing but a means for their distribution. This means that his society promotes the kinds of happiness dependent on his primary goods. Or, put another way, the purposes of his government are alien to those emphasized in classical political philosophy or biblical revelation. Government, instead of making men good and doers of noble deeds, as Aristotle would have it, has as its goal providing what Aristotle would call equipment or external goods. And the ends of government almost inevitably determine the characters of men. The beginning point of Rawls or rather Hobbes-Locke fixes the outcome. His democratic man hardly resembles the classical object of admiration, Socrates, who was born in poverty and lived in poverty but was the happiest man of his time. Even the way Rawls treats his own addition to Hobbes's scheme, the sense of one's own worth, partakes of this mode. The sense of one's own worth, he reiterates time and again, depends very much on the esteem of others. Socrates required only his own testimony, but Rawls's man cannot withstand unfavorable public opinion. Rawls tries to provide him with esteem no matter what his life-plan may be; Rawls's man is in every way dependent, "other directed." Hobbes determined the worth of a man on the basis of others' consideration of him; as he put it, in his direct and vigorous way, a man's worth is his price. Rawls differs from him only by engaging in price fixing.

Quality vs. Equality

Rawls, because he substitutes the equal right to happiness for the equal right to life, must equalize not only the conventional primary goods like money but also the natural ones. This latter is harder to envisage (apart from the salutary work of geneticists who, Rawls believes, might one day improve all our progeny). One thinks of Herodotus' account of the Babylonian law by which all the marriageable girls were auctioned off; the beautiful ones brought high prices from the rich and voluptuous men; the city used the money so derived to provide dowries for the ugly girls; thus making the naturally unattractive attractive. Nature's injustice to the unendowed is what the thoroughgoing egalitarian must rectify. The redistribution of wealth is hardly sufficient, for, as we all know, the most important things are those "that money can't buy." The ugly girls will surely be grateful. And the beautiful ones, who are forced to sacrifice the satisfaction for which they are equipped to the greater number whom nature has endowed less generously but whose dreams are of similar stuff, will not be discontented, for when the veil of ignorance still covered their nakedness in the original position, they had no idea that they would be beautiful. Rawls is not in agreement with Aristophanes who, in the *Assembly of Women*, indicates that, when the law compels the beautiful to be at the command of the majority, not only does tyranny result but *eros* rebels. The original position works miracles, in the precise sense of the word, for it stops the course of nature.

This leads to the further questions of the relation of quality to equality, a question which Rawls treats only obliquely. Although the desire of the least advantaged persons remains decisive, Rawls assures us that the less fortunate have no interest in policies which would reduce the talents of the more fortunate. Not only does he fail to offer us proof of this assertion, he does not seem to be aware of the possibility that the majority, with all the good will in the world, might not appreciate what the higher talents or activities are and hence might not be willing to allocate scarce resources to them or set up the "structures" necessary to encourage them. Leveling does not seem to be a serious danger to him. One might suspect that he does not address himself to the problem of the great man for fear that it would undermine the persuasiveness of his argument that his version of civil society can reconcile all legitimate interests. Aristotle, for example, did address this problem and concluded that republican cities would either have to ostracize the great man or renounce their nonmonarchic regimes and make him their ruler. Both alternatives are unsatisfactory, but Aristotle presents them because the nature of political things forces him to it. Rawls suppresses the conflict. But the suspicion that he avoids it in order to make his case stronger is probably unfair to him. It is rather that he does not see it. If "life-plans" are merely a matter of preference and are in principle equal, then the distinction between the great man and the common one disappears. If everyone is to have an equal sense of his own worth, superiority must not exist. The habit of such beliefs has, I fear, the effect of making a man incapable of distinguishing the great from the mediocre. The very distinction is seen as the result of injustice and snobbishness.

In Rawls one finds none of the concerns which preoccupy Tocqueville, who, although a democrat convinced of the justice of the principle of equality, argued that intellectual and moral superiority would not find fertile soil in modern society. Hard choices had to be made, according to Tocqueville; it was essential for democrats to be aware of that fact so that they might attempt to mitigate the loss. Similarly, although Rawls admires John Stuart Mill, one would never know from Rawls's account of him that the primary intention of *On Liberty* was to protect the minority of superior men from the tyranny of the majority, that Mill believed mankind was threatened by universal mediocrity. For Rawls, as for most Americans who speak of it, the tyranny of the majority is a threat only to the disadvantaged. One can only hope that the problem posed by Tocqueville and Mill has not been solved by the loss of the capacity to recognize the great and the beautiful—or by the very disappearance of the great and beautiful themselves.

But Rawls's treatment of Nietzsche does not provide much foundation for this hope. He takes it that Nietzsche has a subjective "value" preference for men like Goethe and Socrates and wishes to impose it on the majority who are not like Goethe and Socrates. Rawls's reading appears to be slight and uninformed. He does not see that Nietzsche really addresses the questions which Rawls from his own point of view has to address: how one creates a "life-plan" or horizon when there is no objective good, or, what is the same thing, how values are created (Nietzsche was the first to use "value" in the modern sense; Rawls unawares adopts Nietzsche's invention); what the self is, if one believes as does Rawls, that there is a "self" and that it is productive of values rather than determined by them; how philosophy is possible, if human thought is historical. Rawls discusses only the preconditions for making life plans and value creation, not the ways in which they are actually made. Nietzsche teaches that only a certain kind of man is capable of creativity, by which he does not primarily mean the writing of poems or the painting of pictures, but the production of values by which man can live. He wants the very thing Rawls claims to want—a variety of rich and satisfying "life-plans"—but he has thought through how one gets them and has some inner experience of what they are.

Let us, however, assume that Rawls is right and that Nietzsche has a mere preference for "culture" in the current watered-down sense of the word. Surely it would nonetheless be distressing if there were to be no more Goethes or Socrates. One would have to reflect on the conditions for their existence and try to determine whether they coincide at all with the conditions for Rawls's society. But, although Rawls seems to take it for granted that such men will be present, his teaching holds that it makes no difference whether they are or not, for push-pin is as good as poetry—unless one or the other appeals more to the least advantaged. All talents are but resources for the greatest happiness of all and get their price in today's happiness market. Anyhow, Rawls has a solution, for he has established an exchange branch of government which distributes resources for the public benefit. Nietzsche can go to it and make an application for a study grant. To characterize this solution to the problem of greatness in democratic society one would need the talents of a Flaubert.

The Misuse of Kant

To complete his reincarnation of contract teachings, Rawls attempts to lend his "original position" the glow of Kantian moral nobility. As always, he reads older philosophies only for support for his own much narrower thought. He picks and chooses, never really caught up in the necessity of their arguments, sure that he looks down on them from a higher plateau. Rawls not only does not accept the truth of the *Critique of Pure Reason* and the *Critique of Practical Reason*, which is the precondition of establishing the possibility of a realm of freedom, and which is presupposed in Kant's moral writings. More important, he does not understand what Kant means by morality. Morality must be chosen for its own sake; it must be a good, or rather the highest good; the good will is the only unconditional good. There must be an interest in morality just as there is an interest in money or in food and one which has primacy over all other interests. Rawls has done nothing to establish such an interest. Surely it is not interest in morality that motivates men in the original position, whose goal is to enjoy as much happiness as possible. If happiness, however conceived, is the end, then morality is a means to that end, good instrumentally rather than in itself. Happiness, to use Kant's language, is a heteronomous rather than an autonomous motive for obedience to the moral law.

Kant's morality is not that of the social contract, for the social contract teachings are all heteronomous. Morality in them is only a tool constructed by men for the fulfillment of prior, nonmoral, natural ends. Part of Kant's political teaching is indeed hypothetically contractarian, but there is a problematic relation between his political and moral teachings. Morality and civil society are linked by a philosophy of history which is itself problematic for Kant. The three moral postulates—God, freedom and immortality—are necessary supplements to morality, without which it would be overwhelmed by politics and history. Morality does not look to consequences, for that would make it contingent. Social benefit is Rawls's goal, whereas morality in Kant's view need not be helpful in the establishment of a just society or in making a man happy. Kant says, consistently with his principles, that a moral man must never break a law. Rawls preaches the legitimacy of civil disobedience and conscientious objection. The preservation of his life must not, for Kant, be any consideration for a moral man, nor should his conduct be affected by the actual state of affairs. Rawls makes it clear that heroic sacrifices are not a necessary component of his social man and that prudential modifications of principle are legitimate and desirable.

Rawls's fuzziness about morality is summed up in his denigration of the primary importance of generality or universality in Kant's thought. For him the essential element of Kant's moral teaching is autonomy, i.e., the combination of freedom and rationality. But Rawls fails to see that what Kant means by freedom and rationality is universality. A man *is* autonomous if he is able to act according to laws derived by universalizing the maxims of his action; one is both free and rational when one so universalizes. In order to act freely a man must obey the law he has made for himself, without being compelled by other men or by particular circumstances or by nature. Acting according to his own desires is not freedom, for he does not make those desires; they are given. A man may desire to tell a lie, but he can immediately see that lying cannot be accepted as a rule of conduct for all men. If he is able to obey the rule possible for all men in opposition to his particular desire, and if he is not motivated by future gain or by fear of punishment, ridicule, bad reputation, or anything other than a respect for the universal principle, then he can be said to act freely, independent of the contingent and conditioned; otherwise he is the slave of man, institutions, or nature. He is free because the principle is arrived at by the examination of the meaning of his own desire. And he is free in a higher sense by virtue of his capacity to overcome his own desire for the sake of the universalized principle based on it. This proves his capacity to act for the sake of morality alone.

Rawls's men in the original position act in terms of individual desire; they are deprived only of the knowledge of their particular circumstances, so that they will choose those rules which will be most useful for satisfying whatever desires they may turn out to have. For Kant, the moral man acts with full awareness of his particular circumstances and chooses to obey the universal rule in spite of them. Particular desire and universal law are only coincidentally harmonious, so that the man who always acts according to the law shows that he is free. And in acting freely, a man is also acting rationally, for universalization is the activity of unconditioned reason, and universality is the form of reason and of any rational law, political, moral, or natural. The calculation of a man seeking to satisfy his passions (or to set up principles in the "original position") is only an instrumental use of reason to attain ends which reason played no role in establishing. But if his end is not the substantive intention of his action but the universalizability of the maxim governing his action, he is dedicated to reason simply, to noncontradiction. Kant's categorical imperative is the imperative of universality, and it comprises both freedom and rationality. Therefore, a true Kantian interpretation of Rawls's man in the "original position" is that he is neither free nor rational.

Rawls's denial of the crucial significance of generalization is most revealing about the character of his enterprise. Rousseau, while accepting the view of nature contained in the state of nature teachings, insisted that the natural inclinations cannot provide a basis for a decent community or for anything but mercenary morals. Nature provides preservation, low selfishness, as a common ground. Natural freedom is to act according to one's inclinations without concern for others. If there is to be concern for others, another and higher common ground must be found. Rousseau found that ground in the will to generalize one's desires, to think of oneself as a citizen and not as a man (although the motivation for doing so remains the natural desire for preservation). When men think generally, they are at one. Hobbes and Locke brought men together as passengers on a ship whose interests are private but who all equally have the desire to keep the ship afloat. Rousseau, and Kant following him, bring them together by giving them the same interests. This is obviously a profounder and more certain harmony, but it goes against nature; this moral freedom requires what Rousseau calls the denaturing of man. This denaturing is effected by a severe morality, which is established in the name of freedom but requires the overcoming of natural inclination. The natural man and the citizen are at opposite poles. Generalizing is itself easy; the will to generalize is difficult to attain, because it requires indifference to one's own happiness.

Rawls to the contrary, Kant is an austere moralist, because he recognizes the demands of morality. A choice must be made between natural satisfaction and moral action, between the private and the public, between the particular and the universal. These tensions make it impossible for man ever to be simply whole. Sentiments of justice are as much inclinations as are sentiments of selfishness and have no higher status. Rawls does not like such choices; he does not like restricting inclination. The struggle of self-overcoming is not at home in his relaxed society. In sum, his thought has nothing to do with that of Kant, for whom, at most, the moral man can hope for happiness and the coming to be of a just society, but cannot alter his conduct to realize these ends. To repeat, Rawls's teaching is only utilitarianism made contemporary, and utilitarianism is in its turn a modification and simplification of the teachings of Hobbes and Locke. That tradition was not influenced by the moral criticism of Rousseau and Kant. Its concentration was and is on the satisfaction of particular desire. Rawls's teaching is almost entirely of that tradition. The goal of his society cannot by any stretch of the imagination be taken to be Rousseau's citizen or Kant's moral man. His refusal to think about nature makes it easy for him to confound natural and moral freedom, as well as the two alternative and opposed grounds of community in modern thought. There is no halfway house between Hobbes and Kant; and Rawls's Kantian interpretation of the "original position" does nothing but lend it a spurious moral dignity.

Reason and the Good

Limitation of space makes it impossible to discuss the institutional castles Rawls builds on the sands of his original position. These amount to a restatement of American constitutional arrangements, reinterpreted to include the imperatives of the welfare state. Whether the more detailed practical consequences he arrives at actually follow from his premises is more than questionable. He constantly returns to our common wishes and familiar experiences to make his undemonstrated conclusions appear convincing. He is persuasive because he supports familiar contemporary beliefs, not because he provides rational grounds for them.

We must, however, turn to the last and most intriguing part of the book. It is here that Rawls promises to show that there is a rational way of determining what is good for us and that the practice of justice will make us happy. For all its apparatus, the first part of *A Theory of Justice* really only tells us the obvious: Society needs rules, and it will only survive if most men in a society obey those rules. Rawls has not, up to this point, succeeded in showing any convincing way that the individual interest and the public interest are identical. Consequently, he feels constrained to go back to the oldest question in political philosophy, the one posed to Socrates by Glaucon and Adeimantus in the Republic: "Is the just man the happy man?" The answer must be yes if the law is to be compelling for a man who seeks happiness. Only by abandoning happiness as the goal could Kant avoid answering this question. Rawls, despite his Kantian pretentions, is, in Kantian language, a eudaimonist and tries to approach the old theme in the new mode. The difficulty is great, for his liberalism keeps him from excluding any preferences; his egalitarianism keeps him from saying that some goods are more reasonable or of a higher order than others; and his method keeps him from talking about the true nature of things. But he must make the attempt if he is to avoid relativism and nihilism.

If there is to be political philosophy, reason must be capable of guiding our fundamental political actions. Now Hobbes, Locke, and Rousseau argued that the fundamental human fact is the desire for self-preservation. Reason cannot establish the reasonableness of that passion or talk men out of it. Reason does not establish the end. But it can find the means to the end. Reason is crucial but only instrumental. Community is established by the fact that for all men this passion supplies the most important motive. Reason cannot establish its reasonableness, but it can establish the unreasonableness of views of the good which contradict it. This is sufficient for the possibility of a political philosophy. But the society founded on that philosophy is limited to the ends which passion provides to it. Rawls, who wants society to do much more than is legitimated by the contract teachings, wants reason to give what the passions refuse. In this section he engages in an endeavor more characteristic of ancient philosophy which taught that reason can establish the ends as well as the means. It is, therefore, not surprising that here he invokes the name not of Kant but of Aristotle.

The last part is entitled *Ends*, and it contains three subsections *Goodness as Rationality*, *The Sense of Justice*, and *The Good of Justice*. Rawls's strategy is first to show that reason is sufficient to determine ends, then to describe the sense of justice in us, and finally to show that the society which embodies the principles implicit in the sense of justice and allows that sense its activity would be chosen by reason as good, as *the* end. His stated purpose is to show that collective activity is good; actually he wishes to show that collective activity is the highest, the unconditional good.

Rawls's discussion of goodness as rationality immediately disappoints the expectations aroused by his title. He does not even show that it is good to be rational. That is finally left up to the decision of each individual. What he thinks he shows is that reason can be of use in establishing a "life-plan"—if one wants to have a rational life-plan. Furthermore, a rational life-plan is not rational in the sense that the ultimate goals are established by reason, but only in the sense that reason has played some role in the formulation of the plan. Desires, tastes, preferences, values, what have you, are the ultimate determining factors in a life-plan, and Rawls does not tell us where they come from. He apparently believes that, without determining the desires by reason, he can develop rules which will limit or constrain the indeterminacy of desire sufficiently to make a community possible. The bait which will draw men to the acceptance of these rules is the promise that they will be happier if they follow them.

Happiness, according to Rawls, is the purely subjective contentment accompanying success in the fulfilling of one's plans and the expectation that that success will continue. Instrumental reason can, of course, help to insure the means of fulfillment, but the only way reason, in Rawls's presentation, could call into question a life-plan is by showing that it cannot succeed. Success becomes the real criterion. If you have safe life-plans, you are likely to be happy, if happiness is only contentment.

Rawls tells us that, "For Royce an individual says who he is by describing his purposes and causes, what he intends to do in his life. If this plan is rational, then I shall say that the person's conception of his good is likewise rational" (p. 408). He then proceeds, through tortuous argumentation, to set down the rules for determining the rationality of a plan. The means for it must be available. Its success must be likely. It must be compared with other possible life plans. The intensity of desires must also be considered. It must include as many desirable ends as possible. Its compatibility with the plans of others must be considered. The probability of its continuity must be evaluated. And then . . . we have to decide. That decision is a leap, and there is no reason to believe that the abyss that must be leapt has been narrowed by this machinery of "deliberative rationality" that Rawls provides. He talks about the rationality in life's decisions, but his discussion underscores their essential irrationality. A rational man would be reduced to nihilistic despair or irrational commitment. Only a man irrationally attached to safety and contentment could remain satisfied with such a solution, for safety and contentment are merely "values" like any others. It is a laudable thing to wish to advance the cause of reason, but to do so one must have an understanding of the world such that reason can play an important role in it. Rawls devotes no discussion to what emerges, albeit unconsciously, as the most important component of happiness—the irrational formation of ends or values.

But let us listen to Rawls in his final statement on the matter: "But how in general is it possible to choose among plans rationally? What procedure can an individual follow when faced with this sort of decision? I now want to return to this question. Previously I said that a rational plan is one that would be chosen with deliberative rationality from among the class of plans all of which satisfy the principles of rational choice and stand up to certain forms of critical reflection. We eventually reach a point, though, where we just have to decide which plan we most prefer without further guidance from principle (p. 64). There is, however, one device of deliberation that I have not yet mentioned, and this is to analyze our aims. That is, we can try to find a more detailed or more illuminating description of the object of our desires hoping that a fuller or deeper characterization of what we want discloses that an inclusive plan exists after all." The only rational way out is to combine all competing charms. One can frequently have one's cake and eat it.

Rawls continues, "Let us consider again the example of planning a holiday (p. 63). . . . Often, however, a finer description fails to be decisive. If we want to see both the most famous church in Christendom [in Rome] and the most famous museum [in Paris] we may be stuck . . . " (p. 551). And so we are. This eloquent summation of the human condition also summarizes Rawls's thought. Its ridiculousness quenches indignation. How could a man who is telling us how to live turn to the example of a holiday when discussing the most important question of all? Why not reason vs. revelation, love vs. duty to one's country, life vs. dedication to the truth? Can one wonder that a generation has turned away from reason when this is the level of its most eminent representatives, when this is the sort of guidance it can get from them? Rawls speaks to men with the souls of tourists.

The reason for Rawls's behavior is that this irrationality of ends is not a problem for him. He is convinced, as the weight of his book proves, that we know what is most important—society, i.e., preservation. He is not tormented by these questions; they are matters of indifference. One can believe what one wants and do what one wants, so long as it does not get in the way of liberal democracy. His rational rules, such as possibility and inclusiveness, are fit only for that cramped little risk-fearing man in the original position. They determine the kinds of ends possible before those ends are even considered. Single-mindedness, dedication to the one most important thing, facing impossible odds, are now irrational. Rawls counts on an audience of men whose horizons have been so confined that the great dangers in the great decisions are no longer visible to them. He devotes no attention to those varied and rich expressions of individual nature which he promises will flourish in his society. In order to do so he would have to water the irrational roots out of which values grow in his system. By being fed on reason they grow frail and colorless, for it is only the reason of utility. The kind of diversity he thinks of is that found in obscure but harmless religious sects or in obscure but harmless sexual practices. The kind of diversity which produces great actions, great art, or great new civilizations is out of his reach. He provides a soil which is not salubrious for the growth of a diversity that is worthy of the name. The solid thing is survival; in a world where the great value decisions are akin to the choice between vacationing in Paris or Rome, where they cannot change the fundamental character of civil society, there is no reason for difference. Men will be alike or will differ by their insignificant differences of preference or their insignificant perversities.

Rawls counterattacks. "Human good is heterogeneous. Although to subordinate all our aims to one end does not strictly speaking violate the principles of rational choice . . . it still strikes us as irrational, or more likely as mad. The self is disfigured and put in the service of one of its ends for the sake of system" (p. 554). If we pursue contradictory ends, no matter. That is but the proof of our freedom. The principle of contradiction, the foundation of reason, strikes our philosopher as irrational, nay, mad. Such formulas provide us with a fine-sounding excuse for not thinking about the important questions. This *rationalist* makes a virtue out of unreason when it suits his purpose. The ship he has so painstakingly constructed sinks to the sound of his applause as it slides down the runway. He thinks it is afloat.

He adds that "the self is prior to the ends which are affirmed by it" (p. 560), which means that the self creates the ends instead of being determined by them. It knows no masters, including reason, and it cannot be comprehended by reason. Professor Rawls owes us and himself a fuller account of the "self." A little study would teach him that this notion had its origin in thinkers who were friends of neither reason nor liberal democracy, and that it is manifestly inconsistent with his project.

The Misuse of Aristotle

Once having established the goodness of rationality, after his fashion, Rawls gives reason a new tool, for the judgment of the rationality of life-plans—the "Aristotelian principle." This principle is invented to show that men want to use the capacities required and encouraged by Rawls's society, and that therefore we should rationally choose that society and its form of justice.

Kant was brought in to pronounce the benediction over a society grounded on selfishness. Now Aristotle, the central contention of whose moral and political teaching is that there is a highest good and who is according to Rawls therefore mad, is constrained to give his blessing to a notion of happiness founded on whatever a man believes to be the expression of his value. The Aristotelian principle, which Rawls admits was not enunciated by Aristotle, but alleges to be in accord with Aristotle's intentions, holds that "other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized or the greater its complexity" (p. 426). Rawls cites *Nichomachean Ethics* VII 11–14 and X 1–5, apparently unaware that Aristotle in these passages is showing that there is one highest activity which accords with human nature and which is productive of happiness. Far from praising inclusiveness and complexity, Aristotle attributes whatever need we have of them to the weakness of our nature, which we should try to overcome. He concludes in VII 14 that "God always enjoys a single and simple pleasure." Far from praising the interdependency of social life, Aristotle teaches that the only real pleasures are those that are self-sufficient, that are connected with the eternal things, and that can in principle be enjoyed in solitude. In short, Aristotle teaches that philosophy is the only way of life that can properly be called happy. He arrives at this conclusion after examining all the claims to happiness and showing that all the others besides philosophy are without foundation and self-contradictory. The philosopher is not as such a social man; Aristotle never even says that the moral virtues, including justice, are necessary to the philosopher in order to philosophize.

It is true that Aristotle teaches that the activity of our faculties is what makes us happy. But he does not mean by faculties what Rawls means by capacities—"innate or trained abilities." Aristotle's faculties are natural components of our constitution like sight or intellect. They have a proper development and are exercised on appropriate objects. Men may possess and exercise these faculties in greater or lesser degree, but they are accordingly more or less men. There is a structure and a hierarchy of the faculties based on their contribution to happiness. Aristotle can tell us in quite detailed and concrete terms precisely in what happiness consists. But Rawls, for all that he may use the word nature, means nothing by it. Whatever a man does expresses his capacities; whatever he believes himself to be, he is. Rawls believes that man has a self; Aristotle believes he has a soul. These terms are mutually exclusive. The self is self-determining; at best it is a mysterious and elusive source, infinite in its expressions. The soul has a nature, for it has an end which determines it and of which it is not the cause; but the self has no nature, it is protean. Rawls, in order to avoid being incapable of saying anything about ends emanating from the self, insists that a man must first deliberate and suggests that the more complex activity in any genre should be preferred (for example, chess over checkers). Rawls draws the inspiration for this suggestion, God knows how, from Aristotle. Rawls's criteria for the actualization of capacities are purely formal and external, not helping us to determine whether they are true or counterfeit expressions of a man's nature or to distinguish skillful safe-cracking from the making of beautiful statues. And, after all, Rawls tells us, the man who enjoys counting blades of grass may be fulfilling his nature too. Aristotle might very well agree, but he would insist that such a person, other things being equal, was an inferior man. This Rawls will never do. He will simply try to find a group of men who will support this man's sense of his own worth.

The Sense of Justice: Nature or Indoctrination?

The Aristotelian principle enables us to reach the penultimate stage on our journey to the promised society. This is the elaboration of the sense of justice. It is one of those "capacities (innate or trained abilities)" the exercise of which human beings enjoy. The sense of justice is the condition of our being members of and maintaining a good society, and the good society will make us happy because it satisfies our sense of justice. The sense of justice is a psychological principle, and Rawls presents a three-stage history of its development. Once the sense of justice is developed, we have an unbreakable psychological need for and attachment to society. It becomes as much a part of our psychological constitution as any other sentiments. We are social because we possess the sense of justice. The ambiguity of Rawls's "innate or trained abilities" leaves us with an exquisite doubt as to whether the sense of justice is natural or only the result of habituation. However that may be, Rawls tells us that if this sense exists, and society meets its demands, the society will be stable. This leaves the further doubt whether the society is truly just or merely satisfies the sense of justice.

The three stages are, roughly, as follows: When we are children we obey out of love, trust and respect for our parents. This is the morality of authority. It is childlike but is preserved in men like Thomas Aquinas or believers of any kind. The second stage is that of our youth. When we are attached to our group we see our good in it, and we are motivated by praise and blame. This, too, though useful, has its evident limitations. It is the morality of George Washington and patriots. Finally there is the morality based on rational adherence to principles, on the recognition that one's society is reasonable and fair, that it follows the imperatives of the "original position." It is the morality of adulthood and is practiced by Rawls and philosophers like him, as well as all members of the promised society. Rawls does not show us that these three moralities are harmonious or that the third achieves the synthesis of the first two. To do this, one would have to study regimes founded on reverence or piety and on loyalty, honor, or patriotism and compare them with those founded on reason and determine the various advantages of each. It would require an achievement comparable to that of Hegel to show that the society founded on reason contains the political and moral advantages to be found in holy awe of the sacred or in selfless loyalty to friends and undying hatred of enemies. There is no reflection here on what really constitutes rootedness. Only after the completion of such an undertaking could one look down on these older principles as an adult looks down on a child. On the surface, it would appear that reason substitutes selfish, low, and sure motivations for noble ones. Does this reason really perceive great goals beyond calculation of advantage? Rawls, as always, has no taste for examining alternatives.

But more important, Rawls has not proved either that adherence to the principles developed in the original position is rational or that reason can demonstrate the goodness of strict obedience to the laws of a society founded in accordance with these principles. In the absence of such proofs one can only say that the morality of principles does not rest on impulses, feelings or instincts as do the other two kinds of morality and that it involves the use of reasoning—though it may culminate in rationalizations or ideologies rather than reasons. This three-stage doctrine of moral development looks suspiciously like what is today called political socialization, that is to say, a way of making men part of the group whether it is natural or good for them to be so or not. Rawls must prove that these stages are part of men's development in the same sense as is the formation of their organs, or risk acquiescing in a process of indoctrination for the sake of social goals. His abandonment of nature does not open new domains of human freedom so much as make way for the unlimited manipulation of man.

The Omnipotence of Society

And, now, at last, we are at the goal, "the idea of social union," the community that reason chooses and that makes us happy while unifying private and public interest. Not only is society necessary, not only does it give us satisfactions we would not have without it, it incorporates us so that we are parts of it. From the atoms of the state of nature Rawls has constructed a social organism in which we feel with the whole and are pleased or pained along with it. Socrates' extreme and ironic paradox is here presented deadpan. Nothing good is outside of society; nothing transcends it. We are wholly of it, but we do not even know what that society is like. It is very "Aristotelian"—i.e., very complex—so that everything that can be contained in man finds its expression, and we all enjoy it. It is based on a moral and intellectual division of labor which increases the quantity and the kinds of production for the enjoyment of all, without risk of the deformation wrought by narrow specialization or alienation of our labor. We get everything from society, and we owe it our total allegiance. If man had a nature, it would be social. We are always partial; only society can have all the perfections, but we possess them through it. We should not try to be self-sufficient, but should accept our weakness, join the team and play fairly, recognizing that everyone makes an equal contribution to the collective result. The man who is not sociable is radically imperfect and has a deficient life. He is the only man Rawls is not willing to treat as an equal. For Aristotle the man who does not belong to civil society is either a beast or a god. For Rawls he is only a beast. For Rousseau, the solitary is the only good man: For Rawls he is the only bad one. All the ambiguity of social life disappears.

Rawls has accomplished the complete socialization of man by beginning from the weakest and most vulnerable individual and envisaging a social arrangement which will protect him in his weakness, guarantee his subsistence, allow him to pursue and fulfill his wishes and plans, and give him the same sense of his worth that the rich, successful, and honored individual has. Going far beyond the more modest goals and hopes of earlier thought, Rawls proposes to make it the purpose of society to fulfill men, to make men happy, accepting as happiness what each believes happiness to be and providing each with what Rawls takes to be the universal elements of happiness no matter what its form. Since neither God nor nature fulfills any such plan and might even be viewed as opposing it, society must take on the whole burden of providing and distributing the elements of happiness; and the disadvantaged person recognizes that it is only society that considers his interests and battles a hostile nature and chance for his sake. Society exists for him, but he, in the most decisive sense, is its creature.

It is easy to win the allegiance of the disadvantaged to this scheme, just as it is not difficult to obtain the participation of the poor in a plan for sharing the wealth. The real problem is the stronger or the more advantaged, for they might be willing to take their risk in a less equal arrangement or even try to be substantially self-sufficient. Thus Rawls's book is in large measure a polemic against them. He socializes them by persuading them that they too are weak; by confounding natural with social inequality; by denying that there can be self-sufficiency; by habituation and the inculcation of shame and guilt; by obliterating alternatives; and above all by endless sermonizing. The harmony between the advantaged and the disadvantaged is not natural and is brought into being by a suppression of nature. The rough edges, the fundamental conflicts, always present in earlier practice and theory, can, therefore, be understood by Rawls to be the results of mere perversity. Since man has no fixed nature, social planning, even the use of genetics, can ultimately smooth all of this away. Rawls's original perspective from the point of view of the disadvantaged makes other considerations vanish. The consequence is a closing of the exit from the cave. There is no way out and no hiding place. "In justice as fairness men agree to share one another's fate" (p. 102).

What Rawls creates is an enormously active government whose goal is to provide the primary goods, including the sense of one's own worth, and therefore to encourage the attitudes that support the production and equal distribution of those goods. What can the future of liberty be in such a scheme? Liberty is, to be sure, Rawls's first principle of justice, but it is qualified by having to be "compatible with a similar liberty for others." Rawls does not elaborate the extent of that qualification. There is, to repeat, no natural-right teaching in Rawls, no absolute limit of any kind. All freely chosen life-plans must be restricted by the fundamental demands of social union. Conflict will be resolved practically and theoretically in favor of society. We have only Rawls's assurance that nothing important can fail to find acceptance within the terms set by the original position. Man's plasticity, made even greater by the absence of nature and its limits, permits all those little adjustments in men which will make the idea of social union possible. Society is the one absolute in Rawls's thought, although it is without foundation.

And what is the purpose of all of this? An artificial happiness of an artificial man. Rawls's promised society is a desert. It feeds on false tales —stories about its being the final product of evolution and history, stories that make unequal things appear to be equal. Democracy, which was to free us from the myths which perverted nature, becomes the platform for a strident propaganda that denies nature for the sake of equality, as the myths of conventional aristocracies denied nature for the sake of inequality. The community desired is one without tension, without guilt (except for those who do not go along), without longing, without great sacrifices or great risks, one made for men's idle wishes and for the sake of which man has been remade. The language of maximum liberty, diversity and realization of capacities is so much empty talk, the only function of which is to support our easygoing self-satisfaction.

Conclusion

The greatest weakness of a *Theory of Justice* is not to be found in the principles it proposes, nor in the kind of society it envisages, nor in the political tendencies it encourages, but in the lack of education it reveals. Rawls's "original position" is based on a misunderstanding of the "state of nature," teachings of Hobbes, Locke, and Rousseau. His "Kantian interpretation" is based on a misunderstanding of Kant's moral teaching. His "Aristotelian principle" is based on a misunderstanding of Aristotle's teaching about happiness. And these three misunderstandings constitute the core of the book. An authentic understanding of these thinkers would have given him an awareness of the problems he faced and of the nature of philosophic greatness. We are in no position to push ahead with new solutions of problems; for as this book demonstrates, we have forgotten what the problems are.

The most essential of our freedoms, as men and as liberal democrats, the freedom of our minds, consists in the consciousness of the fundamental alternatives. The preservation of that consciousness is as important as any new scheme for society. The alternatives are contained in the writings of the greatest men in the philosophic tradition. This is not to assert that the last word has been said, but that any serious new word must be based on a profound confrontation with the old ones. That confrontation has the added salutary effect of destroying our sense of our own worth and giving us higher aspirations. Rawls is the product of a school which thinks that it invented philosophy. Its adherents never approach an Aristotle or a Kant in search of the truth or open to the possibility that these old thinkers might have known more than they do; and since they have a virtual monopoly on the teaching of philosophy, there has been a disastrous, perhaps irreparable, loss of learning and extinguishing of the light which has flickered but endured across so many centuries. His book is a result of that loss of learning and contributes to it in turn. His method and the man he wishes to produce impel me to think that Nietzsche—abused by Rawls, although not culpably because ignorantly—might provide a more appropriate title for this book: *A First Philosophy for the Last Man.*

Justifying Justice: Problems of Psychology, Measurement, and Politics in Rawls*

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John Rawls's *A Theory of Justice*, as befits a work of such magisterial grandeur, has attracted a great deal of essentialist criticism: attacks calling into question its fundamental ideological and philosophical premises. Its rigid egalitarianism, its bourgeois predilections, its spirited defense of liberalism, and its partiality to fully developed, capitalist societies have all come under assault, and properly so. But my intention here is not to rehearse or elaborate these radical charges; rather, I want to raise certain questions about *A Theory of Justice* in Rawls's own terms—accepting his premises but examining his reasoning by his own stated criteria. It is my view that even in this more limited perspective the Rawlsian theory of justice is wanting.

Rawls would like to persuade us that two intuitively attractive fundamental rules of justice, the equal liberty rule and the difference principle (with its fair equality of opportunity corollary), can be both philosophically justified by abstract rational argument, and concretely corroborated by appeal to their congruence with intuitive notions of man's sociability and the good. I believe that my arguments here will show that the abstract justificatory appeal to the original position is unsatisfactory in certain vital ways, and that it raises problems of comparison and measurement not adequately disposed of by Rawls. I want also to show that the appeal to congruence is founded on an inadequate political and historical sociology, which in turn creates further problems for the argument from the original position. In sum, I hope to show that while Rawls has lit his candle at both ends, he has got neither end to burn.

Problems of Psychology

Rawls denies that he is making a Cartesian appeal to the original position as a source of necessary first principles from which the balance of his argument can be regarded as a mere deduction (pp. 577–578).[1] Nevertheless, the original position occupies a critical role in his theory of justice.[2] Technically, it functions as a hypothetical point of mutual disinterest that satisfies the requirements of an Ideal Observer in adducing the notion of justice as fairness. Because men in the original position are not yet particular men with particular notions of the good, Rawls is able to develop a proceduralist definition of justice uncontaminated by substantive first principles (the bane of intuitionism). Yet because men in the original position are *potential* particular men with *potential* particular fates they will not be satisfied with nonparticular or nonindividuating notions of aggregate utility (the bane of mean utilitarianism). In brief, because men in the original position cannot determine who they will actually be they can be counted on to make disinterested and thus fair rules; but because they also anticipate living as actual particular men they will reject rules which sacrifice the welfare of particular men to the general good.

The original position also serves, rather like the notion of the state of nature for the earlier contractarians, as a hypothetical context for the definition of essential man stripped of all contingent particularity. Justice as fairness is not "at the mercy, so to speak, of existing wants and interests. It sets up an Archimedean point for assessing the social system without invoking *a priori* considerations" (p. 261). Man's nature in the original position consists then in rationality and a generalized interest, not in particular desires, aims, and aspirations.[3]

I want to suggest that Rawls's attempt to departicularize the original position is not in fact very successful, and that in consequence its premoral (pre-substantive) character cannot be upheld. Men in the original position are defined by rough equality and freedom, by a general knowledge of the laws of nature and society, and by rationality—the capacity to anticipate consequences (Hobbes' ratiocination). They do not have particular interests but they do have a generalized interest in whatever particular interests they may acquire. Rawls argues that these limited conditions account for the emergence of the rules of justice as fairness. I believe that they do not, that additional assumptions about men that con-

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[1] All parenthetical references are to John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

[2] See Rawls, part I, chapter 3.

[3] "It is not our aims that primarily reveal our nature," Rawls writes, "but rather the principles that we would acknowledge to govern the background conditions under which these aims are to be formed and the manner in which they are pursued" (p. 560).

taminate the original position need to be made if the rules of justice as fairness are to be regarded as the inevitable choice of rational men in the original position.

The first point that needs to be made concerns the meaning of interest. Rawls knows that while he can strip men in the original position of particular interests and particular desires he cannot leave them bereft of interest and desire altogether or they will cease to be men at all. "Human actions" do, after all, "spring from existing desires" (p. 568). Indeed, the judgments men make in the original position about alternative rules of justice are made "solely on the basis of what seems best calculated to further their interests" (p. 584). Apparently men in the original position have interests, but not particular interests; they comprehend and presumably feel the power of desire but are ignorant of which desires they will actually have.

Now there is a considerable question in my mind about whether it is possible to conceive of men as having a hypothetical knowledge of what it means to have interests and desires without having particular interests and particular desires. Mutually disinterested men might turn out to be uninterested men, men incapable of comprehending the meaning of interest. Rawls suggests as much when he concedes "some may object that the exclusion of nearly all particular information makes it difficult to grasp what is meant by the original position" (p. 138). At the level of psychology it seems possible that particularity is built into the notion of interest and that it cannot be cut away without rendering interest unintelligible.

Rawls seems to regard the idea of "Primary Goods" as a response to this difficulty. Although men in the original position are not permitted to have specified, substantive ends, they are allowed through ratiocination to share a common interest in a set of common means. These common means are the primary social goods that can be thought of as instrumental to the pursuit of any and all particular aims, interests, and ends. Although men in the original position remain mutually disinterested with respect to interests as particular ends, they understand that "in general they must try to protect their liberties, widen their opportunities, and enlarge their means for promoting their aims whatever these are" (p. 143). Thus, they naturally (i.e., rationally) attempt to "win for themselves the highest index of primary social goods, since this enables them to promote their conception of the good most effectively whatever it turns out to be" (p. 144). It is presumably in this sense only that men in the original position make calculations to "further their interests."

Yet this does not really answer the question of whether interest is intelligible at all in the absence of particularity; for the interest men take in primary goods is presumably only explicable in terms of the potential interest they have in particular ends. Moreover, Rawls draws the category Primary Good in terms so generous that its instrumental status seems critically compromised. Primary goods turn out to encompass not only the obvious instrumentalities like opportunities, powers, income and wealth, but also rights and liberties, and self-respect. The latter is a good so self-evidently contrary to the instrumental spirit that it is difficult not to conclude that it is a substantive first principle, an end-in-itself, smuggled into the original position under cover of the supposedly prudential primary goods.[4]

But let me for the moment accept that the device of primary good does meet the difficulties of rendering the notion of interest in the original position intelligible. Is Rawls then justified in claiming that the choice men in that position will supposedly make in favor of justice as fairness is a choice uncontaminated by any substantive, a priori idea of the good? Or by the particular psychologies that attend particular men's experience in particular social systems? In sum, can it be safely assumed that the parties in the original position are not "influenced by different attitudes towards risk and uncertainty, or by various tendencies to dominate or to submit, and the like"? (p. 530). I think not. In the relevant section (ϕ 26), Rawls introduces an "analogy" that appears to go well beyond the minimal conditions portrayed earlier as definitive of the original position, namely the maximin rule for choice under uncertainty (p. 152).[5] The maximin rule "tells us to rank alternatives by their worst possible outcomes" (pp. 152–153), tells us to act as if our particular place in society were to be assigned by our enemies. Under these assumptions, Rawls believes it is rational to "adopt the conservative attitude" expressed by maximin (p. 153).

Rawls is at pains to persuade us that while the rule is neither self-evident, nor usual, nor generally applicable, it is uniquely suited to the peculiar conditions of the original position. Indeed, quite propitiously, "the original position has been defined so that it is a situation in which the maximin rule applies" (p. 155), and it is to the maximin rule that the logic of the rules of justice as fairness apparently conforms. In guaranteeing themselves as much liberty as is compatible with an equal liberty for other men (the equal liberty rule), and in guaranteeing that whatever inequalities exist will be to the advantage of the least advantaged member of society (the difference principle), the parties in the original position are doing no more than following a strategy of minimal risk—that is, establishing rules of justice designed to protect them given the worst possible outcome for themselves in actual societies. This is, of course, the essence of maximin, a strategy which in Rawls becomes the vital bridge linking the rules of justice with the conditions described by the original position.

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[4] Rawls appreciates the contrast sufficiently to defer, for the sake of "simplicity," his discussion of self-respect to the section on the Aristotelian principle and the full theory of the good (Part III). In the sections where primary goods are treated as facilitators of interest in the original position, self-respect is prudently and completely ignored (see p. 92).

[5] For other kinds of critical discussion of the maximin rule see Kenneth J. Arrow, "Some Ordinalist-Utilitarian Notes on Rawls' Theory of Justice," *The Journal of Philosophy,* 70 (May 10, 1973); and David Lyons, "Rawls versus Utilitarianism," *The Journal of Philosophy,* 69 (October 5, 1972), 535-544. Rawls appears to back away slightly from his views on risk aversion in his "Reply to Lyons and Teitelman," *The Journal of Philosophy,* 69 (October 5, 1972), 556–557.

It is my view that nothing in the original position suggests maximin as the only rational or most rational solution to the problem of choice under uncertainty; that, moreover, the question of which strategy would be most rational cannot be settled without further knowledge about attitudes toward risk and uncertainty, toward freedom and security, not given by the formalistic conditions of the original position; and finally, that to treat these attitudes adequately Rawls must import into his original position covert special psychologies of the kind it was explicitly designed to exclude. Rawls in fact leaps from the original position, where men are prevented by the veil of ignorance from knowing what their particular statuses will be, to the unwarranted conclusion that this uncertainty will produce in them a rational preference for minimizing risks. Yet, as Rawls acknowledges, this assumes not merely that particular prospects are uncertain but that they are unpromising; not simply that particular statuses will be assigned by lot but that they will be assigned by enemies; not only that a given share in the cake will be chosen in a random order but that it be chosen last. It might equally well be assumed that friends will assign statuses, that any particular man will get to choose first. It is no less rational, although suggestive of a different and less conservative temperament to be sure, for men to pursue, say, a moderate-risk strategy whose aim would be to create the possibility of somewhat greater gains than those afforded by maximin, even at the risk of somewhat greater possible losses. Indeed, the scarcity built into all contractarian views of society (Rawls is no exception on this point) enhances the attractiveness of gambling strategies that, should an individual win, permit him far greater benefits than those allowed by an austere egalitarianism; this is particularly true if the individual regards his losses as comparatively insignificant as measured by the alternative—an unattractively austere minimum below which maximin strategy guarantees he will not fall. Lotteries function precisely on this basis. Given still more radical assumptions about attitudes toward risk, it can be contended that some men may choose rationally to risk starvation and even death for the chance—even against the odds—to be very rich or very powerful. War is an extreme but hardly irrational example of this win-all/lose-all strategy. The development of capitalism is scarcely thinkable in the absence of high-risk attitudes in the face of uncertainty. A consideration of actual historical developments and concrete institutions as they manifest special psychologies may in fact suggest that the no-risk predilection for security may be atypical of human choice in the face of uncertainty.

There seem to be a number of psychological reasons for this aversion to no-risk strategies. For one thing, the "satisfactory minimum" afforded by the maximin rule may not be "satisfying" at all by the criteria of maximum satisfaction. Avoiding pain or penury or powerlessness may not be measurable on the same scale as achieving (and enjoying) pleasure, wealth or power. This possible asymmetry may in turn reflect fundamental psychological disparities between the need for security expressed in the fear of pain, in anxiety, in the longing for serenity, and perhaps even in the death-drive, and the need for self-expression manifested in the quest for freedom, for spontaneity, for domination and for self-fulfillment. Rawls's focus on primary goods as instrumentalities for both avoidance and achievement ends (security and self-expression) blinds him to these kinds of possible disparities.[6] Consequently, he can opt for security (via maximin) in the original position without realizing that in doing so he is implicating a substantive special psychology. It is very odd in a philosophy of justice that champions the priority of liberty over all other goods, and orders the rules of justice in accordance with this priority, to discover that a conservative special psychology predisposed toward security has been installed where rationality is supposed to be.

There is another, related difficulty in trying to guarantee a threshhold of minimum satisfaction. Rawls argues that the interpersonal index defined by "expectations of primary social goods" (p. 92) provides an acceptable standard for the kinds of interpersonal comparison required of a theory of justice. Yet primary goods as distinctive as freedom, power, wealth, and self-respect can hardly be regarded as satisfying in some unitary way, except from the perspective of a rudimentary hedonism to which Rawls does not appear to subscribe. Freedom may seem more satisfying than survival—thus, the gospel song: "Before I'd be a slave, I'd be buried in my grave/ Go home to my Lord and be free. . . . " Or a poverty-based self-respect may seem more satisfying than minimal economic welfare bought at the cost of an ignominious obeisance to bureaucracy. Certain Christian ascetics may even complain that the Rawlsian standard deprives them of the austerity and struggle for survival they regard as necessary to their other-worldly beliefs (see below).

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[6] Rawls agrees with Santayana that "we must settle the relative worth of pleasure and pain" (p. 557), but does not raise the issue in the context of primary goods and leaves its resolution to the discretion of "subjective individuals."

Rawls may want to reply that because primary goods are means rather than ends such objections are not pertinent. But this response only raises again the question of whether the primary social goods can be thought of exclusively as means when they function as an interpersonal index of comparative expectations of particular men.

If these kinds of criticism have any truth, then those commentators who have tried to read Rawls as typically bourgeois in his outlook on human nature, who have suggested that the original position is informed by capitalist market biases, are mistaken.[7] On the contrary, Rawls's inclination toward a risk-free maximin strategy in the face of uncertainty suggest biases that are profoundly conservative—anti-capitalist in their thrust and to some degree anti-liberal in their spirit. They reveal a primary concern with security and the achievement of minimal conditions for individual welfare. The egalitarianism in which they issue is purely prudential, a device to ensure that the self-interested man will not be worse off than anyone else. Despite the considerable preoccupation with good life plans and the Aristotelian standard of excellence toward the end of the book, self-expression and self-fulfillment are not the major aims of the two rules of justice. Although freedom as a means is the first (and lexically prior) principle of procedural justice, freedom as an end receives little attention.

Rawlsian man in the original position is finally a strikingly lugubrious creature: unwilling to enter a situation that promises success because it also promises failure, unwilling to risk winning because he feels doomed to losing, ready for the worst because he cannot imagine the best, content with security and the knowledge he will be no worse off than anyone else because he dares not risk freedom and the possibility that he will be better off—all under the guise of "rationality." Recall that Rawlsian men choose minimal equality for the least advantaged not out of altruism or benevolence or social responsibility, but solely in order to protect themselves in the pursuit of their interests, whatever those interests turn out to be.[8] Surely more spirited, aggressive, optimistic men—freed of the constraints of morality and altruism as they supposedly are in Rawls's original position—might choose to pursue their interests more vigorously, less cautiously. Nor would they be any less rational for doing so, assuming that they had weighted and accepted the risks involved.

Rawls is faced, then, with a dilemma: if he wishes to preserve egalitarianism he must contaminate the original position, for the rules of justice that precipitate egalitarianism are generated not by pure rationality but by the special psychology of no-risk planning under conditions of uncertainty. If on the other hand he wishes to preserve the pristine formalism of the original position, the two rules of justice as fairness and the egalitarianism they produce cease to be the inevitable choice of rational men in the original position, and justice as fairness becomes only one of the many rational options. Yet the entire argument of *A Theory of Justice* precludes the surrender of either formal rationality or egalitarianism. Hence, the dilemma.

Rawls has made clear, it is true, that the "original position is not intended to explain human conduct except insofar as it tries to account for our moral judgments," (p. 120) and may on this score deem these psychological remonstrations besides the point. However, it is Rawls, I have argued, who has introduced special psychology into the pristine pre-particularity of the original position. To dismiss my arguments in support of the special psychology of moderate or extreme-risk strategies is to dismiss his own preferences for a low-risk strategy: all such strategies are cut from the same cloth and are part of a fabric that has nothing to do with rationality. In the absence of these kinds of preferences the two rules of justice simply are not defensible as the inevitable choice of rational men in the original position. Admitting them means lifting the veil of ignorance partially and thus robbing the original position of its defining character. The argument from the original position seems crippled by the very crutch that makes it ambulatory.

There is a more decisive reply to this line of criticism implicit in Rawls's suggestion that the original position is defined in such a way that it can be regarded as original (i.e., as rational) only insofar as it issues, by way of maximin, in the two rules of justice as fairness. Rationality, in this perspective, does not merely issue in but is defined by maximin. Although there is considerable ambiguity in Rawls on the point, a number of passages appear to support the implication: "we want to define the original position so that we get the desired solution," he writes at one point (p. 141). "The original position," he later notes, in what is probably the strongest statement of the matter in the book, "has been defined so that it is a situation in which the maximin rule applies" (p. 155). But there is little cause to dwell on this line of defense. It is not a position to which Rawls can really afford to commit himself, and his ambivalence on the point elsewhere suggests he does not mean to do so. If the original position is defined simply as that position which issues in the two rules, it becomes analytic with respect to those rules, and Rawls's entire justificatory enterprise is rendered truistic. If the two rules are necessarily entailed by the original position, the elaborate examination of alternative strategies pursued in Chapter 3 becomes a deception, and the extended debate with utilitarianism is made superfluous. Rawls is quite clear, however, that ideally men are "to choose among all possible conceptions of justice" in the original position (p. 122). Moreover, since he regards determining the rational preference between justice as fairness and the principle of average utility as "perhaps the central problem in developing the conception of justice as fairness as a viable alternative to the utilitarian tradition" (p. 150), I think it fair to assume he does not really mean to argue that the original position is rigorously analytic with respect to the conditions under which rational preferences are developed. This appears to leave my original criticism unanswered.

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[7] See, for example, Steven Lukes, "An Archimedean point," *The Observer,* 4 June 1972.

[8] "The theory of justice assumes a definite limit on the strength of social and altruistic motivation. It supposes that individuals and groups put forward competing claims, and while they are willing to act justly, they are not prepared to abandon their interests" (p. 281). Also see the final section in this article.

Problems of Measurement

As the difficulties of establishing comparable indicators for the satisfaction potential of different primary social goods suggest, there are serious problems of interpersonal comparison and measurement in Rawls's theory of justice. Rawls comments critically on the problem as it affects advocates of average utility theory (¢ 15, pp. 92–93) in order to argue that the contract doctrine makes it possible to "abandon entirely" the thorny question of "measuring and summing well-being" (p. 324). Although Rawls's approach does clearly avoid certain summing difficulties since it does not require determining collective well-being or average utility at all, it does not elude the difficulties of establishing ordinal scales of interpersonal comparison for critical terms like "satisfaction," "primary good," and "least-advantaged/most-advantaged."

Rawls leans very heavily on the notion of "least-advantaged." The crucial difference principle thus reads: "social and economic inequalities are to be arranged so that they are . . . to the greatest benefit of the least advantaged" (p. 83). According to Rawls, this formulation requires no "accurate interpersonal comparison of benefits . . . it suffices that the least favored person can be identified and his rational preference determined" (p. 77); which in turn requires only that we compare the "expectations" of individuals as defined by the index of primary social good "which a representative individual can look forward to" (p. 92). No cardinal judgments need be made; only simple ordinal rankings are necessary.

The matter is not really quite so straightforward. As Rawls acknowledges, the construction of the index does generate problems, some of which are lodged in the category "primary good." Rawls asks, "How are the different primary social goods to be weighed?" (p. 93). His strategy seems to be to narrow the category of primary good by stipulation to an operationalizable core. Self-respect is deferred to the final section of the book where measurement is not an issue. Liberty, Rawls intimates, is not a problem because of its lexical priority over the other primary goods: since "the fundamental liberties are always equal, and there is a fair equality of opportunity, one does not need to balance these liberties and rights against other values" (p. 93). This reduces the problem to identifying those with "the least authority and the lowest income" (p. 94), presumably a manageable enterprise.

Unfortunately, manageability seems to have been purchased at the price of meaning: quite aside from Rawls's own doubts about the lexical priority of liberty,[9] it can be doubted that crude indicators like income are sufficient to measure so complex a notion as justice, particularly in modern industrial democracies. In the United States recently, blacks, white middle-class students, women, the rural poor, blue-collar workers, and even the long-suffering middle class have vied with one another for the title "least-advantaged." Depending on whether wealth, dignity, life purpose, political power, self-importance, employability or some other indicators are used, each of these groups can make its case. Income suggests only one dimension, and not necessarily the most salient dimension, of the issue. Who then is to be regarded as least-advantaged: the prosperous black or the poor white? The unemployable, self-deprecating wealthy suburban housewife or the self-respecting, overburdened welfare mother? The overtaxed, undervalued assembly line worker or the alienated, anomic college drop-out? Rawls provides no criteria by which such social judgments can be made; yet surely in relatively affluent societies these questions are at least as relevant to the problems of justice as gross indicators like income.

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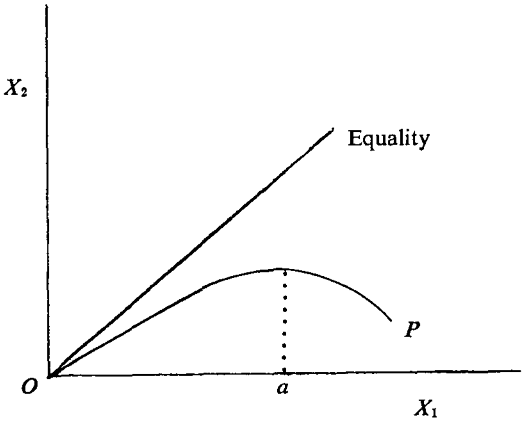
[9] Rawls concedes that the precedence of liberty comes into play only after "a certain level of wealth has been attained" (p. 542), and that below this threshold, liberty may not only have to be weighted against but perhaps subordinated to the other primary goods in whose absence freedom has no meaning. Depending on where the threshold is established, even Marx might be comfortable with such a viewpoint!

Nevertheless, Rawls ultimately rests his entire technical case for the interpersonal viability of his ordinal measures on wealth and income alone. Not even authority and power, noted in passing, are given serious attention.[10] Comparability has been won only by gutting the category of primary good and leaving a shell called income behind.

Even if we put these objections aside and accept that income may provide an approximate measure of the least-advantaged, there remains a serious deficiency in the Rawlsian argument. In establishing the superiority of the difference principle over the principle of average utility (ϕ 13), Rawls utilizes a graph plotting the relative income of a representative least-advantaged and representative most-advantaged man. The argument expressed in this graph, however effectively it may challenge the Mean Utilitarians,[11] is remarkable for its apoliticity and ahistoricity. Both Rawls and his critics seem to take for granted the social setting within which incomes covary in order to air their differences concerning the hypothetical point of maximum equality on a fixed, time-blind curve. Thus, on Rawls's graph (Graph A) where X_1 depicts the income of a representative most-advantaged man and X_2 the income of a representative least-advantaged man, "*a*" is the point of maximum equality (pp. 76–79) on a contribution curve *OP* showing the relative position of X_1 and X_2.

I do not wish to quarrel with Rawls's technical discussion debating the location of "*a*" on the static curve *OP* but to query the shape of *OP* itself, not only—as Scott Gordan has it, as "an empirical matter in the realm of positive economics,"[12] but as an empirical matter in the realm of historical development and social theory. Rawls's contribution curve *OP* assumes that the "social cooperation defined by the basic structure is mutually advantageous" (p. 77). If, however, *OP* is plotted in the context of some general theory of historical development or some particular economic theory, its conveniently symmetrical shape may be radically modified and the rendering of a point of maximum equality made correspondingly difficult. To make this clear let me portray two possible historical situations in which Rawls's abstract and static curve *OP* turns into a writhing snake hostile to Rawlsian handling techniques.



Graph A. (Rawls)

Let us assume that X_1 represents (through representative individuals) the capital-owning class, and X_2 the working class. Envision, then, two crucial threshhold periods in recent industrial history: a period of rapid, disruptive unionization (exemplifying problems of incremental change), and a period of socialist revolution on the Marxist-Leninist model (exemplifying problems of radical, structural change). Under conditions of rapid unionization (Graph B), contribution curve *OP* would be radically deflected from any normal shape, leaving the point of maximum equality uncertain—ambiguous over time. If "*s*" is understood as the point in historical time where unionization is initiated through, say, a General Strike, a dramatic decline in the expectations of the working class (X_2) can be anticipated, its degree and duration depending on the reaction of the capital-owning class (X_1). At some point "*u*," however, presupposing that the strike succeeds, the union shop is recognized by the bosses and a period of rapidly rising expectations for the working class ensues, to some extent at the expense of the owners. Following this phase, some point

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[10] By passing over power, Rawls evades the critical problems of definition and measurement that have attended its conceptualization among sociologists and political scientists. See, for example, Robert R. Dahl, *Who Governs* (New Haven: Yale University Press, 1961); Peter Bachrach and Morton S. Baratz, "The Two Faces of Power," *The American Political Science Review*, 56 (December, 1962), 947–952; and John R. Champlin, ed., *Power* (New York: Atherton Press, 1971).

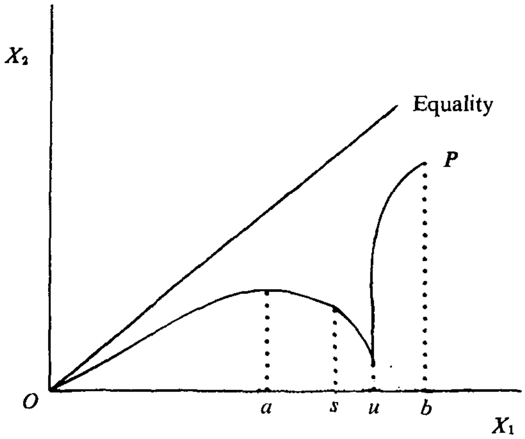
[11] There seems to be some doubt about this as well: see Scott Gordon, "John Rawls' Difference Principle, Utilitarianism, and the Optimum degree of inequality," *The Journal of Philosophy*, 70 (May 10, 1973) and C. B. Macpherson, "Revisionist Liberalism," in his *Democratic Theory: Essays in Retrieval* (Oxford, Clarendon Press, 1973), pp. 87–94.

[12] Gordon, p. 279.

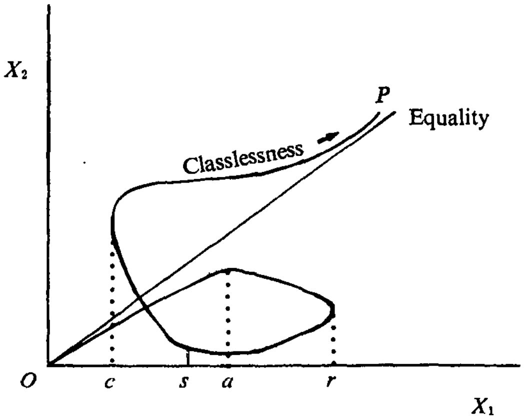
"*b*" of maximum equality is reached that far exceeds the original "maximum" at point "*a*."

What is telling about this portrait is that it confronts the advocate of justice as fairness with several alternative points of "maximum" equality, between which it may not be possible to choose without reference to considerations of time, place, and putative laws of development not given by the two rules he is essaying to honor. Viewing *OP* in its early phase, he might conclude that "*a*" was indeed the point of maximum equality, particularly if he examined the projections for the segment between "*a*" and "*u*" that augured only ill for the expectations of X_2. He might, on the other hand, count on the eventual success of unionization, *if* his theory of development anticipated the phase from "*u*" to "*b*," and sacrifice the apparent equality of "*a*" for the greater equality of the slightly less certain but much more equitable "*b*." To do so he would of course be acting under conditions of uncertainty where risks might be taken in vain or success achieved at too great a cost, say following a five year General Strike that destroys the economy in order to achieve a degree of equality only slightly greater than "*a*."

The point is the judgment concerning the point of maximum equality cannot be made in a timeless void, as Rawls seems to think it can. It must be reached *in the context of a particular time* and particular place in which the relations between X_1 and X_2 conform to some developmental laws—which may or may not be generally known and understood. Rawls's strategy here becomes not merely undialectical and ahistorical but, in conjunction with the predilection for maximin, antihistorical—predisposed to inertia. Under the conditions portrayed in Graph B, maximin would dictate foregoing a possible, but historically uncertain "*b*" equality in return for a guaranteed "*a*" equality. "Just" men might thus, against their instincts, to be sure, find themselves obliged by justice as fairness to act as strike-busters and scabs—a most melancholy and ironic consideration.



Graph B. (Unionization)



Graph C. (Marxist Revolution)

The situation reflects even greater uncertainty under conditions corresponding to the Marxist-Leninist theory of socialist revolution. Once again (Graph C) there is an early period of apparent maximum equality "*a*" followed by a period of declining expectations during which the disappointments and grievances of the working class (X_2) feed revolutionary sentiment. In time, the working class under the leadership of a revolutionary party overthrows the capital-owning class (X_1) and seizes its representative institutions (at point "*r*"). During the initial period of disruption and civil war, this leads to the diminishing of both X_1's and X_2's expectations. But following the successful establishment of a revolutionary regime (at point "*s*"), X_2's expectations once again begin to grow, while X_1's continue to decline as the expropriation of the expropriators becomes a reality. During the ensuing period of the dictatorship of the proletariat (the segment from "*s*" to "*c*") the capital-owning class virtually disappears, and *OP* veers toward total equality; the class system itself is liquidated and X_1 and X_2 become indistinguishable—classless everymen chosen at random in a classless society.

Now, this projection creates further difficulties for Rawls:[13] by adumbrating fundamental structural changes in the relations between the two classes and, eventually, liquidation of the class system entirely, it challenges the static Rawlsian picture with a dynamic that seems quite beyond the compass of justice as fairness. For the ahistorical Rawlsian would again be tempted to prefer the certainty of "*a*"—that is, the present reality of capitalist society (or feudal society or whatever the "present" society was)—to the risks and costs of some eventual *P*. Moreover, his antihistorical formalism might even compel him, as history pressed forward, to favor the restoration of property to the capital-owners during the period from "*s*" to "*c*"; for, at least after *OP* crossed the axis of equality, the capitalist class would qualify technically as the "least-advantaged" class. Maximin seems fated to such ironies.

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[13] As would any projection based on a theory of structural change or revolution; the credibility of the Marxist-Leninist model is obviously not at issue.

I am not trying to suggest that Rawls intends to rationalize capitalism. The maximin rule is conservative vis-à-vis all modes of change: it favors propinquity, whatever the time and place. In this sense its abstract formalism is particularly salient, being adverse to risk per se, whatever the historical context. As a result, the difference principle is simply incapable of establishing a point of maximum equality except in a timeless vacuum where neither history nor social theory need be confronted. Under abstract conditions of maximum stability, enduring tranquility, and minimal structural change it may be possible to identify a static point of equality; but under the real conditions of evolving societies forever being transformed by the dynamics of economics and history, it is quite beyond the static projections of maximin.

Rawls may possess the conceptual apparatus to deal with some of these objections. He recognizes that defining expectations "solely by reference to such things as liberty and wealth" can only be "provisional," and that it is eventually necessary "to include other kinds of primary goods" that raise "deeper questions" (pp. 396–397). A careful examination of the place of self-respect in identifying the least-advantaged, set within the more general discussion of the good and the Aristotelian principle, would presumably precipitate a much richer understanding of injustice than is afforded by a raw, ahistorical comparison of incomes over some limited period.[14] But self-respect can neither be operationalized in the fashion of income, nor rendered philosophically determinate in the manner of the two rules. It thus stays entirely in the background during the operational analysis of the difference principle, acting indirectly to leaven the otherwise flat ingredients of the primary good loaf. Consequently, inequality is construed in narrow pecuniary terms that neglect the psychological and political roots of exploitation in relationships conditioned by domination and submission, depersonalization and alienation, or socialization and public opinion. Rawls's formalism simply immunizes him to sociological modes of understanding. Even were he, say, to extend his contribution curves over a historical period encompassing unionization, it seems unlikely that his focus on equalizing income would nourish in him a sensitivity to the social and psychological consequences of unionization—for example, the standardization and routinization of work, the legitimation of wage-capital relations through the amelioration of conditions, the subordination of the creative ownership of labor power to the just distribution of its anonymous fruits, and so forth.

The evidence that Rawls's analysis is insufficiently political as well as egregiously ahistorical is in fact overwhelming. There is no need to mediate it through the technical arguments in favor of the difference principle. Hence, while my intention in this section was to indicate inadequacies in Rawls's criteria of interpersonal comparison, I want in the next to confront directly his apoliticity.

Problems of Politics

Rawls did well to avoid Godwin's title *On Political Justice* in labeling his enterprise. His formalism, his preoccupation with economic models and metaphors, and his predilection for abstract reasoning all combine to deter him from setting his emergent theory of justice in the context of historical or political reality. His tendency is, when theory meets practice, to eschew practice—dismissing questions of "political sociology" and disclaiming any intentions of developing a "theory of the political system" (pp. 226–227). His examples are often trivial, usually apolitical. Choosing between a trip to Paris and a trip to Rome is permitted to stand as an example of fundamental life choices (p. 412). Terms suggestive of modern man's political dilemmas—racism, alienation, nationalism, socialization, indoctrination—are hardly to be found; nor does the material face of politics characterized by power, command, authority, and sanction (as against the ideal face described by legitimacy, obligation, and justice) show itself. When political terms do occasionally appear, they appear in startlingly naive and abstract ways, as if Rawls not only believed that a theory of justice must condition political reality, but that political reality could be regarded as little more than a precipitate of the theory of justice. This raises a serious philosophical question about the relationship between the original position and what we can call the historical position—between the normative theory of justice and historical reality. I will examine this dilemma in the final section of the essay. Here I am anxious to illustrate the charges of apoliticity I have leveled at Rawls. Take the following propositions:

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[14] Because the Aristotelian principle suggests a qualitative ranking of our activities and life plans corresponding to their complexity and the degree to which they fulfill our capacities, it gives to self-respect a moral depth it lacks as an instrumental primary good (see ∲ 65).

(1) It is a "mistaken view that the intensity of desire is a relevant consideration in enacting [just] legislation" (p. 230; also see p. 361).
(2) "The liberties of the intolerant [i.e., tolerating the intolerant] may persuade them to a belief in freedom" (p. 219).
(3) There ought to be "a cooperative, political alliance of the minorities to regulate the overall level of dissent" (p. 374).
(4) "Throughout the choice between a private-property economy and socialism is left open; from the standpoint of the theory of justice alone, various basic structures would appear to satisfy its principles" (p. 258).
(5) "Each person must insist upon an equal right to decide what his religious obligations are" (p. 217).

I would like to suggest that a theory of justice that permits assertions of this sort, notwithstanding the caveats and contexts that attend them, is *prima facie* a theory of limited utility in addressing the injustices of actual political systems.[15] Let me make the point by commenting briefly on the cited passages.

(1) If Rawls argued that intensity of desire was not a *sufficient* consideration in enacting just legislation, or not constitutive of the definition of justice, there could be little objection. But in pursuit of philosophical immunity for his notion of justice to particular wants and desires, he is constrained to claim intensity is *irrelevant*. This seems a foolhardy contention at best. Although intensity of desire hardly defines the just cause, history teaches that it can often reveal it. Liberal democratic systems are thus designed to permit an intense minority to resist (through the filibuster) or even to overcome (through the electoral primary) a lethargic majority. Moreover, the intensity question is absolutely crucial to the stability of democratic systems, and Rawls evinces a deep concern for stability: the "well-ordered" society, he asserts significantly, is a stable society (pp. 398–399). Now, almost all social scientists agree that neglecting intensity can destabilize democracy;[16] how then can Rawls be committed to stability as an integral feature of his theory of justice, yet at the same time be indifferent to intensity? Presumably only by refusing to countenance political sociology.

(2) Rawls is able to cite neither psychological nor historical evidence suggesting that tolerating the intolerant renders them more tolerant and liberty-conscious. The sorts of data deployed by those who are interested in evidence indicate that the intolerant are largely beyond rationality and thus quite incapable of grasping what is at stake in the very idea of toleration.[17] The intolerant defer to imagined superiors with the same irrationality that they bully imagined inferiors. Fanatical true believers often seem to regard toleration by others as a compliment rather than as a reprimand to their intolerance. We need not, however, falsify Rawls's contention in order to make clear that, in the absence of political sociology, it remains not only unproven, but unexamined.

(3) The idea of a political alliance of minorities to regulate dissent may be attractive, but I cannot think of a single historical case that confirms its viability under actual conditions of dissent in democracies. In the instances that come to mind—Czarist Russia in its parliamentary phase before 1917, Weimar Germany, America in the 'sixties, for example—internecine conflict among dissenting minorities has been an inherent feature of political dissent. Indeed, competition among dissenters has often been more violent and protracted than between the dissenters and the system they purport to oppose in common, and for understandable reasons. The scarcity of access to the system (via media impact, for example) compels claimants on its attention to outshout, out-radicalize and otherwise outdo one another. Their belief in contradictory solutions to common problems makes them natural competitors in vying for revolutionary legitimacy. It is little wonder then that in recent years in America blacks, women, students, and others have each claimed to be the "most oppressed" group in American society, have each tried to characterize themselves as the true "niggers of the world." Rawls tells such competing minorities that however legitimate their grievances may be, when taken in conjunction with the complaints and demands of other dissenting groups, they simply overburden the capacity of the system for tolerance and change. To speak in this fashion seems a good deal less than just, particularly in the framework of a theory of justice that claims immunity from contingency.

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[15] Other perhaps than as a practical "rule of thumb" in making clear-cut ethical decisions in completely unambiguous circumstances; see Peter Caws, "Changing Our Habits," *The New Republic*, 13 May 1972, p. 24.

[16] Robert Dahl has argued, for example, that asymmetrical patterns among minorities and majorities where the latter employ the majoritarian principle to lazily and indifferently obstruct the will of the former can lead to the radical destabilization of the precarious democratic balance; see *A Preface to Democratic Theory* (Chicago, 1956), pp. 90–123. Also see Willmoore Kendall and George W. Carey, "The 'Intensity' Problem and Democratic Theory," *The American Political Science Review*, 62 (March, 1968), 5-24.

[17] See Theodore Adorno et al, *The Authoritarian Personality* (New York: Harper and Brothers, 1950); S. M. Lipset, *Political Man* (New York: Doubleday and Company, 1960), especially chapter 4; and S. A. Stouffer, *Communism, Conformity and Civil Liberties* (New York: Doubleday and Company, 1955).

(4) To assert that there is nothing to choose between capitalism and socialism is so striking a claim that merely citing it almost obviates the need to comment on it. Albeit he acknowledges that "a doctrine of political economy must include an interpretation of the public good which is based on a conception of justice" (p. 259), Rawls nontheless wishes to leave the choice between capitalism and socialism "open." This, to me, is like developing a geometry in which the question of whether parallel lines meet is left open, or generating an aesthetic that refuses to take sides on questions of taste. Given the intimate interdependence of political and economic institutions in the West, and given the undeniable culpability of capitalism in the history of Western injustice, a theory of justice that sees nothing to choose between capitalism and socialism is either extravagantly formalistic to the point of utter irrelevance, or is a badly disguised rationalization for one particular socioeconomic system, namely "property-owning democracy." Either way, from the standpoint of politics and sociology, it is deeply inadequate.[18]

(5) Rawls's discussion of religion seems quite nearly as naive and incomplete as his treatment of economic systems. The passage cited contains a clue to his misperceptions in its strange supposition that men "decide" on their religious obligations—presumably much the way they decide on whether to travel to Paris or Rome. This point of view follows from Rawls's positing that the just is prior to the good: for the just is then also necessarily prior to the religious. That is to say, religion is admitted into Rawlsian psychology only after men, stripped of all religious particularity, have chosen the rules that are to condition whatever religious beliefs they end up holding. Religion is thrust into the realm of contingency and particularity, lexically subordinate to the settling of fundamental procedural questions. Religious ontology becomes secondary to rationalist epistemology.

Unfortunately, the religious view of the world begins with precisely the opposite assumptions. It presupposes the priority of the good to the just, the subordination of the epistemological to the ontological ("believe that ye may know"), the insignificance of contingency in the face of faith. The religious believer simply would not comprehend, let alone accept, the secular-skeptical premises of the original position. If he refused to acknowledge the "liberty" of a nonbeliever, he would be acting not out of disrespect but out of the conviction that no man can possibly be free who does not believe. A Christian believer might not regard the perils of being a member of a persecuted minority during "this life" as a sufficient warrant to compromise any aspect of his other-worldly faith. Indeed, he might even reject the rules of justice as a deprivation that would compel him to live without the austerity and suffering to which God has intentionally condemned men. If Rawls were to say to such a man, "But think, my friend, what if you turn out to be a Confucian? or an atheist?" he could only reply, "All the worse for my immortal soul!" Put bluntly, there is simply no room in the afterlife for the original position: the only thing original in the Christian way of thinking is sin.

Not that there is any room in the original position for the afterlife—or for sin. Rawls's treatment of religion simply assumes that religious beliefs have no ontological or epistemological bases in truth whatsoever. The Impartial Observer's perspective is that of the agnostic, the skeptic; religion is thus reduced to dimensions that can be encompassed and assimilated by justice as fairness. That is to say, it is rendered both trivial and contingent.

The problems raised by these inadequacies in Rawls's political sociology go well beyond political naiveté and inadvertent ahistoricity. To some extent his apolitical abstractness is intentional. Some of his sharpest critics have defended him on this point. Stuart Hampshire has labeled as "unfair" (although accurate) the charges that Rawls "pays no attention to the dominant powers of corporations, unions, the military machine, the secret police, the mass media . . . " since he intends only to provide "a theoretical reconstruction of the notion of justice, and not of all the virtues of a good society and a good life; and he is not concerned with the practicalities of political science or with the theory of democracy."[19] Such remonstrances might appear to blunt the line of criticism developed in this section. However, I believe I can show that Hampshire underestimates the deep ambiguity that surrounds Rawls's attitude towards and account of political reality. Rawls is never able quite to decide what sort of reality the rules of justice are intended for. On the one hand, it is a reality that manifests instinctively virtuous inclinations in congruence with and thus corroborative of the procedural principles of justice established by the original position. On the other hand, it is a reality very much like our own where the sublime verities of the original position are forever confronted by competition, conflict, inequality, war and even slavery. This disturbing ambivalence sets Rawls off in several contrary directions, plunging him into dilemmas from which he never altogether succeeds in extricating himself.

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[18] Rawls remarks in passing that "some socialists have objected to all market institutions as inherently degrading" (p. 280), but apparently dismisses socialism as too dependent "on the strength of social and altruistic motivation" (p. 281). Altruism is an issue that comes back to haunt him, however, as becomes evident in the discussion below.

[19] Stuart Hampshire, "A New Philosophy of the Just Society," *The New York Review of Books,* 24 February 1972, p. 39.

Justifying Justice

Rather like Hobbes's model of the state of nature, the original position contains two moments, reason and interest, whose thrust tends in contrary directions. It is characterized, on the one hand, by rationality and collaboration, by the stipulated tabling of passions like rancor and envy, by a point of view that suggests a beneficent, even mutualist, interpretation of human nature. On the other hand, it is also characterized by interest psychology, by the drive for power and liberty as instrumentalities of personal ambition, and by an explicit individualism that treats all social collaboration as a means to individual ends. The motivational input in the original position is apparently individualistic, the social output (the rules of justice) a good deal more collaborative. Reason itself totters in its meaning between the kind of prudential calculation we associate with Hobbes or Hume, and practical or deontological reason, as understood by Kant.

This same ambiguity creeps into Rawls's portrait of the context into which the rules developed in the antiseptic original position are introduced, the context I have called the historical position. When Rawls suggests that in the original position men "decide solely on the basis of what seems best calculated to further their interests" (p. 584), he seems to construe the rules of justice as typically liberal control mechanisms for the accommodation of conflicting interests in a real historical position that is essentially competitive. At one point justice itself is defined as "the virtue of practices where there are competing interests and where persons feel entitled to press their rights on each other" (p. 129). If this is all to be taken seriously, the rules of justice must be understood as proximate criteria of minimal justice for conventional interest-oriented, power-responsive, conflict-ridden real societies rather than as absolute criteria of pristine conduct in ideal "well-ordered" societies. As such they can presumably be deployed in the *ad hoc* fashion recommended by Peter Caws and others, justice being little more than a matter of choosing "between several unjust, second best, arrangements" (p. 279). Although Rawls differs with the utilitarians on the question of aggregating utility, he shares with them from this perspective a common emphasis in his hedonistic focus on interest, his instrumentalist view of reason, his manipulative approach to political institutions, and his pluralist preoccupation with conflict resolution. Although he may deem himself a Kantian, and may protest that his theory is "ideal-regarding" rather than "want-regarding,"[20] Rawls here seems to equate the historical position with what he calls "private society"—an association "not held together by a public conviction that its basic arrangements are just and good in themselves, but by the calculations of everyone . . . that any practicable changes would reduce the stock of means whereby they pursue their personal ends" (p. 522). It is precisely the point of the basic arrangements reached in the original position that they are not "just and good in themselves" but decided "solely on the basis of what seems best calculated to further [men's] interests" (p. 584).

Yet these are conclusions Rawls cannot accept and anyone who has read *A Theory of Justice* will rightly object to the above gloss as one-sided. However Hobbesian his consequentialist reasoning may seem, his instincts remain Kantian; Rawls the Kantian understands that the argument from the original position must be corroborated, in keeping with the soft logic of congruence, by the evidence of man's instincts and intuitions in natural societies. It is perfectly obvious that "private society" is not the model of "natural society" with which Rawls aspires to make the rules of justice congruent. He is at pains to deny that the "contractarian view [is] individualistic."[21] Although he anticipates that critics will contend "the contract doctrine entails that private society is the ideal," he insists "this is not so, as the notion of the well-ordered society shows" (p. 522). The well-ordered society, far from being a "private society," is "a form of social union" (p. 527); and social union is the form of association that corresponds with man's "social nature" and embodies his "shared final ends," the form of association where men naturally "value common institutions and activities as goods in themselves" (p. 522). Now this construction, with its mutualist tone and implications of natural sociability, clearly contradicts the Hobbesian understanding of Rawls's state as an artifice of individual interests. It is more deontological than teleological, more mutualist than individualistic, more ideal-regarding that want-regarding, more harmonistic than competitive. With it, Rawls provides an intuitive foundation in natural instinct for the procedural rules adduced without the mediation of instinct in the original position. Although "the notion of respect or of the inherent worth of persons is not a suitable basis for arriving at [the rules of justice]," these rules will "be effective only if men have a sense of justice and do therefore respect one another" (p. 586). The rules of justice, it would seem, operate effectively only in an already "nearly just society" where there already exists "a constitutional regime and a publically recognized conception of justice" (p. 386).

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[20] Brian Barry argues that Rawls's theory is not convincingly "ideal-regarding" at all, in his "Liberalism and Want Satisfaction," *Political Theory*, 1 (May, 1973). Barry's general position, the most sweeping critique of Rawls to date, can be found in his *The Liberal Theory of Justice: A Critical Examination of the Principal Doctrines in A Theory of Justice by John Rawls* (Oxford: Clarendon Press, 1973).

[21] In his "Reply to Lyons and Teitelman," p. 557. Also see *A Theory of Justice*, p. 584.

This part of Rawls's argument is little more than an appeal for secondary support to the kinds of intuitive, a prioristic notions necessarily excluded from the primary theory. The argument from the original position with its rather uncertain foundations in Hobbesian ratiocination is thus shored up by Kantian braces drawn from *a priori* matériel not admissible in the original position. It is in this sense, as I argue at the outset, that Rawls tries to burn his candle at both ends . . . the more light the better. Justification, we will recall, "is a matter of the mutual support of many considerations, of everything fitting together into one coherent view" (p. 579).

The trouble is the two parts of the argument do not fit—the candle will not burn at *either* end. When Rawls sanitizes the original position he is careful to "assume a definite limit on the strength of social and altruistic motivation" (p. 281). There is an important "difference between the sense of justice and the love of mankind," the latter being "supererogatory, going beyond the moral requirements and not invoking the exemptions [in the name of private interest] which the principles of duty and obligation allow" (p.476). In other words, too much altruism would obviate the need for a rationalist theory of justice altogether: "A society in which all can achieve their complete good," Rawls warns, "or in which there are no conflicting demands and the wants of all fit together without coercion, is a society in a certain sense beyond justice" (p. 281); for in "an association of saints agreeing on a common ideal, if such a community could exist, disputes about justice would not occur" (p. 129). But surely the notion of "social union" or of the "well-ordered," "nearly just" society where men share "final ends" and "value common institutions and activities as goods in themselves" (see above) leans precisely in the direction of an "association of saints agreeing on a common ideal." The intuitive foundations appealed to by Rawls to shore up his prudential theory ultimately render that theory superfluous; the theory of justice is convincing only in a context that is itself beyond justice!

Rawls does try to avoid this startling irony by construing social union as a form of association more mutualist than private society, yet less utopian than an association of saints. The footing on this middle ground is not, however, very secure. As if on the top of a ridge separating the valleys of private society and perfect union, Rawls seems continually in danger of plunging down one side or the other, able to traverse the terrain comfortably only by descending into the valley of private society and interest theory (the Hobbesian path), or sliding down the other side into the valley of perfect union and supererogatory mutualism (the trans-Kantian trail, as it were). No doubt he would like to remain on the ridge where his perspective can encompass the Hobbesian and Kantian valleys at a glance. The point is that he cannot, and the Hobbesian and Kantian in him are never really made compatible. The argument from congruence, far from reconciling these contradictions, only brings them into relief.

The conclusion that seems to me unavoidable is that the original position, even if the objections raised in the first section can be put aside, is incomplete, perhaps even untenable in the absence of intuitive arguments positing man's natural sociability and instinctive sense of justice; yet the rules of justice that issue from the original position are rendered superfluous in the presence of such arguments. If, on the other hand, the historical position is made equivalent to private society, then Rawls must be classified as a radical individualist in a manner he explicitly rejects, and the argument from congruence loses its force.

Finally, it seems that what Rawls has taken to be the smooth channel of congruence running between the perilous Scylla of utopianism and the stark Charybdis of realism is an impassable rapids in whose currents the theory of justice founders. The theory is a magnificently constructed vessel, however; and it will undoubtedly take more than some white water to sink it.

The Pentagon Papers: A Critical Evaluation*

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The Pentagon's study, *United States-Vietnam Relations 1945–1967*, provides such a mass of significant data as to ensure its enduring usefulness to anyone with a serious interest in the United States' long involvement in Indochina. This enormous collection of documents and commentary undoubtedly deepens our understanding of the political premises and strategic objectives that have underlain the Indochina, and especially the Vietnam, policies of four American administrations. And, on the military level at least, these papers marshal a large body of important documentation and analysis bearing on discussions and decisions within the several administrations concerning U.S. efforts to achieve these objectives. Since an account of these aspects of the three printed versions of the Papers and a breakdown of their coverage is being published in a companion review article, I shall focus largely on other matters, confining myself primarily to a discussion of some of the Pentagon study's major shortcomings.

Neither the original nor the published versions of the Papers provide a comprehensive or balanced account of U.S. involvement in Indochina. Much significant documentation has been left out, particularly that relating to the political side of American intervention, and in a number of important instances coverage of the covert level of U.S. operations—military as well as political—is absent. The narrative and analyses in some of the sections are unbalanced and occasionally rest on faulty scholarship. In commenting on these matters I will be giving the closest scrutiny to those sections of the Papers dealing with the period from 1954 through 1960, the ones for which I have had access to the complete text and footnotes of the original study. (They were given to me by the court in connection with testimony I was preparing for the Russo-Ellsberg trial.) Before embarking on such a critical evaluation, however, I would like to offer a few general comments that I hope may be helpful to those planning to use the Papers.

Some General Observations

Neither the Senator Gravel (Beacon Press) nor the Government Printing Office (Hébert) edition is congruent with the original study; nor, of course, is the much briefer, but valuable—particularly for teaching purposes—edition by *The New York Times*. Considering its relatively modest size *The New York Times* edition has scooped off an impressive amount of the cream from the original study, and it also includes additional important documents from other sources. The Gravel edition incorporates all this additional *Times* material together with nearly all of the most important remaining material to be found in the Papers apart, that is, from the sections on negotiations, which do not appear in any of the printed editions. Some significant items, however, were overlooked in assembling the Gravel edition that can be found among the faded Xeroxed pages of the GPO edition, particularly for the 1945–60 period. On the other hand, the Gravel edition has more material for 1963–68, including 110 important documents from the Johnson Administration not found in the original study. Deletions do not mar the Gravel edition, as they do the GPO edition, where their extent sometimes seriously limits its usefulness—as in the section dealing with the overthrow of Diem.

The four volumes in the original study concerning negotiations are still unavailable to the public, though the Senate Foreign Relations Committee has been given access to them, and they were discussed openly at the Russo-Ellsberg trial. Together with five other still classified volumes, most of which are available collectively in the two major published editions, these were placed in the custody of former Senator Charles E. Goodell (attorney for Ellsberg and Russo) under a very restrictive protective order of the court.[1] No change in the status of these papers has been effected, and they remain in what Goodell describes as "legal limbo."

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* The three published versions of the Pentagon Papers are: *The Pentagon Papers: The Defense Department History of United States Decisionmaking on Vietnam: The Senator Gravel Edition,* 4 vols. (Boston: Beacon Press, 1971. $20, paper.) *United States-Vietnam Relations, 1945-1967: Study Prepared by the Department of Defense,* 12 vols. Printed for the use of the House Committee on Armed Services. (Washington: U.S. Government Printing Office, 1971. $50, paper.) It is this that is sometimes referred to as the "Hébert edition." *The Pentagon Papers as Published by The New York Times.* By Neil Sheehan, Hedrick Smith, E. W. Kenworthy, and Fox Butterfield. (New York: Bantam Books, Inc., 1971. $2.25, paper.)

[1] It is my understanding that in the original study the four volumes dealing with negotiations are entitled: *History of Contacts: Negotiations, 1965–1966* (VI C.1.); *Histories of Contacts: Marigold* (VI C.2.); *Histories of Contacts: Sunflower* (VI C.3.); *Negotiations, 1967–1968: History of Contacts* (VI C.4.); and that the other volumes still officially regarded as classified are: *The Overthrow of Ngo Dinh Diem, May-November 1963; Marine Units Go to DaNang; Phase I in the Build-up of U.S. Forces: The Debate, March-July, 1965;* and two volumes on *U.S./GVN Relations: 1963–1967.*

A helpful guide to the contents of the original four volumes of the Gravel edition can be found in the more recently published Volume V of that series, available in paperback from Beacon Press for five dollars. Edited by Noam Chomsky and Howard Zinn, this volume contains fifteen critical essays by as many contributors that analyze or comment on various aspects of the Papers. The range in their quality is rather wide, but several are very good. Whether or not one is interested in these commentaries, Volume V provides a useful comparison of the coverage in the Gravel and GPO editions together with a correlation of the location of the materials in them that also shows which texts deleted in the GPO edition can be found in Gravel. In addition, it has a valuable index to the Gravel edition—both subject matter (46 pp.) and personal names (20 pp.).

Easy access can be obtained to some important topics covered by the Papers through the excellent documented syntheses prepared in 1972 as staff studies for the Senate Committee on Foreign Relations: *Study No. 1: Vietnam Commitments, 1961* (38 pp.); *Study No. 2: The United States and Vietnam, 1944–1947* (44 pp.); and *Study No. 3: U.S. Involvement in the Overthrow of Diem, 1963* (73 pp.). Anyone interested in these matters who requires only an overview of the most essential data and who lacks the time—and stamina—to go through all the relevant material in the Papers will be well served by these publications.

One general problem in assessing the Papers' value arises from the absence in all the published editions of the footnotes incorporated in the original version. This is unfortunate, for these citations sometimes provide a measure of the solidity and objectivity of the data and the derivative interpretations. (This was clear to me after I had an opportunity to study the original set of those Papers covering the period 1954 to 1960 along with their appended footnotes.) Initially the footnotes were unavailable, but in 1973 they were made public and could be purchased directly from the Pentagon for a rather steep price.[2] Unfortunately, these footnotes can be used only with the GPO edition, whose pages still bear the footnote reference numbers—these having been omitted in the Gravel edition.

One obvious caveat that should attend any reading of the Papers concerns the political cast of mind of the men who wrote them. Although the range in quality of their contributions suggests a significant variation in the level of their scholarly capacities, there is generally slight difference in their basic points of view. As Leslie Gelb, Chairman of the Defense Department Task Force that produced the Papers observes, "Of course we all had our prejudices and axes to grind, and these shine through clearly at times. . . .[3] Indeed, they do; but the axes are remarkably similar. With very little qualification one can say that all the contributions reflect an uncritical acceptance of the goals and rationales attending American intervention in Indochina and the basic assumptions and premises underlying them.

The authors do sometimes question the means being employed, but this is almost exclusively in terms of *effectiveness*—what went wrong, rather than whether the objectives themselves were mistaken. Tacit throughout the Papers is an apparently unquestioned acceptance of the right of the United States to intervene forcefully in the countries of Indochina for the purpose of imposing American-sanctioned solutions on their peoples. Insofar as I know, all the members of Gelb's team were staunch supporters of American military intervention for at least as long as Ellsberg, who states that it was not until after mid-1969 that he abandoned his conviction that the United States had the *right* to military intervention.[4]

Perhaps in view of the posts they held, this should not be surprising. Most of the contributors had previously worked for the U.S. government on Vietnam; nearly all of them were either employed directly by the Department of Defense or the Rand Corporation, or were academic consultants to them; three were military officers, and there was a scattering of men from elsewhere in government, among them Daniel Ellsberg. Nor, of course, should it be forgotten that the study was organized by the Pentagon's Office of International Security Affairs and that the Secretary of Defense for whom it was written had been for six and a half years (and during most of the period that the Papers were being prepared remained) a major architect of the United States' Vietnam policies. Not surprisingly what comes across is largely a Pentagon perspective. It is a view out of a Washington window from a cool, tidy office that seems to be completely insulated from any hint of concern for the suffering of the people overseas into whose country American power is being projected. It is certainly not a study written in a way calculated to disturb the conscience of the man who commissioned it.

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[2] Available for $17 from James S. Nash, DSD Records Administrator, Office of the Assistant Secretary of Defense (Administration), Room 2C263, The Pentagon.

[3] This is from Gelb's Memorandum of Transmittal to McNamara, January 15, 1969.

[4] He observes: "As I reread now my analyses written before mid-1969—and the writings of other strategic analysts, . . . I am struck by their tacit, unquestioned belief that we had a *right* to 'win' in ways defined by us. . . . That belief ended for me in August and September, 1969. . . ." Daniel Ellsberg, *Papers on the War* (New York: Simon and Shuster, 1972), p. 28.

Disparate Levels of Scholarship

In the Papers' substantial coverage of the period 1940–60, there is some decrease in quality when one moves from the reasonably comprehensive, well-documented and generally balanced analyses in the first two sections, *Vietnam and the U.S.: 1940–1950,* and *U.S. Involvement in the Franco-Viet Minh War, 1950–1954* on to the *Geneva Accords* and *The U.S. and France's Withdrawal from Vietnam, 1954–56;* and the descent is particularly abrupt with the section, *Origins of the Insurgency in South Vietnam, 1954–1960.* Thereafter standards return to a generally higher plane. Throughout, however, except for the substantial account of the overthrow of Diem, the political coverage is almost uniformly weak.

Although most of the extensive data on the Geneva Accords are sound and valuable, some of the interpretations of that agreement are unreliable. From the Papers' account one would have difficulty in appreciating that the Accords left two contesting parties within a *single* state. McNamara observes in a memorandum to President Johnson that "only the U.S. presence after 1954 held the South together . . . and enabled Diem to refuse to go through with the 1954 provision calling for nationwide 'free' elections in 1956."[5] But the reader is not apprised of the seriousness with which the Viet Minh took the provision for elections, their agreement at Geneva to a ceasefire being crucially dependent upon the explicit understanding that internationally monitored nationwide elections would indeed be held within two years.[6]

The discussion of the Saigon government's inheritance of responsibilities from France is also inaccurate and misleading. Some of the most important French sources are ignored, even where they are most central to any serious discussion of this problem. Particularly distressing is the absence of any reference to the relevant statements by Cabinet Ministers before the French Chamber of Deputies or to the very apposite commentary of the eminent French jurist, Professor Roger Pinto.[7] Presumably if the writer of this section had read the pertinent French sources he would not have arrived at so deviant an interpretation of the treaty of June 4, 1954 signed by Joseph Laniel and Prince Buu Loc on behalf of the French government and Bao Dai. Article 2 of that treaty, calling for the assumption of all obligations "resulting from international treaties or conventions contracted by France," is not simply retrospective, nor did the French ever join the authors of the Pentagon Papers in arguing so.[8] Rather, it was obviously meant to be applied to the envisaged Geneva Accords. Moreover, article 27 of the July 20 armistice agreement signed at Geneva between France and the Viet Minh stipulates that any successor regime to the French was to be "responsible for ensuring the observance and enforcement of the terms and provisions" of the agreement as a whole.

Leslie Gelb's admonition about "prejudices and axes to grind" is nowhere more relevant than in Colonel (now General) Paul F. Gorman's long section on *Origins of the Insurgency* (covered fully in the GPO edition, but only partially in Gravel).[9] A question arises about Gelb's own scholarly standards since he has recently included this study among those he regards as "having the most complete and reliable documentation."[10]

Anyone reading *Origins of the Insurgency* should give careful attention to the footnotes. On many of the most critical points, the citations lead neither to documents nor to classified sources. Most of Colonel Gorman's conclusions rest on predigested material provided in widely available secondary sources—many of them highly partisan in their endorsement of official U.S. policy rationales. Moreover, he seriously misrepresents some of those authors whom he cites but whose views do not conform with his own.[11] He is prepared to base a conclusion on the statement of a single defector or prisoner; and as substantiation for one important allegation concerning the origins of the insurgency he cites in his footnotes a CIA source dated more than seven months *before* the event is supposed to have occurred.[12] If Gorman is no more accurate and discriminating in his use of classified sources than he evidently is in drawing on published materials, his section of the Pentagon Papers must be regarded as that much more unreliable.

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[5] Memorandum for the President, from the Secretary of Defense, Washington, 16 March 1964, Gravel Edition, III, 503.

[6] Among others, both Anthony Eden and Bao Dai's representative at Geneva, Tran Van Do, have stressed this (corroborated in talks I have had with them). Those interested in the seriousness of the Hanoi government's concern with this matter and in Hanoi's repeated efforts to open up discussions with Saigon for working out election modalities are referred to the most substantial treatment of this subject, Franklin B. Weinstein's *Vietnam's Unheld Elections* (Ithaca: Cornell University Southeast Asia Program, 1966).

[7] Especially useful is Pinto's article, "La France et les Etats d'Indochine devant les Accords de Genève," *Revue Française de Science Politique,* V (January-March, 1955), 63–91.

[8] That treaty was signed well before most attributes of sovereignty had yet been transferred by France, and it was not until almost seven months after it was signed, and five months after the Geneva Conference, that all these attributes were actually transferred.

[9] As is noted on page 318 (fn. 3) of Vol. V of the Gravel edition: "In the original Defense Department version the section entitled *Origins of the Insurgency* contains four 'tabs' or subsections. The Gravel edition includes the summary of the entire section, a portion of the first tab (pp. 11–33 of the USG [GPO] edition are not present), and all of the second tab. The third, entitled *The Role of Hanoi* and the fourth, *U.S. Perceptions of the Insurgency,* are not present in the Gravel edition."

[10] The other studies that Gelb assigns to this superior category are: *U.S. Involvement in the Franco-Viet Minh War; The Overthrow of Ngo Dinh Diem; The Geneva Accords; Military Pressures Against North Vietnam, February 1964–January 1965; Marine Combat Units Go to DaNang, March 1965; Phase I in the Buildup of U.S. Forces, March-July 1965; U.S. Ground Strategy and Force Deployments, 1965–1968; Air War in the North, 1965–1968; Reemphasis on Pacification, 1965–1967;* and *U.S.-GVN Relations, 1963–1967.*

Perhaps it is because Hanoi Radio homeservice broadcasts during 1958 do not sufficiently fit his scenario concerning North Vietnam's attitude towards insurgency in the South that Colonel Gorman avoids all direct reference to them, and instead relies on the quite inaccurate account provided in George Carver's apologia for the Johnson Administration's Vietnam policies, "The Faceless Viet Cong." (This appeared in the April 1966 issue of *Foreign Affairs* which identified Carver, though he was then, and remains, one of the CIA's top specialists on Vietnam, simply as "student of political theory and Asian affairs, with degrees from Yale and Oxford; former officer of the U.S. aid mission in Saigon; author of 'Aesthetics and the Problem of Meaning.'")[13] In that article Carver charged that in 1958 Hanoi Radio billed itself as "the Voice of the Liberation Front" and "broadcast instructions to the Viet Cong armed forces and village cadres." Yet the CIA's own monitoring of Vietnamese broadcasts, available in half a dozen American university libraries,[14] registers Hanoi Radio as in fact denouncing these self-styled "Liberation Front" broadcasts as provocations by Saigon and American agents. These broadcasts are presumed to have been "black propaganda" operations conducted by the CIA and Diem calculated to show that Hanoi was not only belligerent, but that it regarded "the bourgeois and petty bourgeois class" in the South "as enemies" that "must soon be eliminated"—a posture that Hanoi believed was aimed at frightening the urban middle-class in the South into opposing reunification with the North. It would seem incredible that Gorman and his director, Gelb, were innocent about the actual character of these broadcasts. But in any case, adherence to even minimal standards of scholarship would have required going to the primary source, rather than relying on Carver's highly slanted journalism.[15]

Coverage of the Bombing: Extensive for the North and Largely Absent for the South

The account of the air war in the North provides extensive coverage of the almost continuous debate that was conducted within the Administration about its effectiveness and whether it should be further escalated.[16] McNamara, an eager early proponent of air strikes against the North is seen, usually supported by the CIA, as gradually becoming disabused of his initial belief in the utility of these strikes either in interdicting supplies or in the lowering of Hanoi's will to sustain the struggle. Pitted against him are the Joint Chiefs of Staff, staunchly supported by Senator Stennis and his cohorts on the Preparedness Subcommittee of the Senate Armed Service Committee, who insist that the bombing is effective in these matters and that it would be much moreso if the few remaining restraints on targets were lifted. In particular they argue for ending restrictions against bombing Haiphong and targets close to the center of Hanoi.

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[11] For instance, he cites G. McT. Kahin and John W. Lewis, *The United States in Vietnam* (New York: Dial Press, 1969), pp. 119–120, as his sole example in support of his assertion that "Most attacks on U.S. policy have been based on the proposition that the DRV move on the South came . . . after massive U.S. intervention in 1961." (Gravel, I, 260.) The authors said nothing of the kind, and were in fact making the point (one that Gorman fails to provide evidence to refute) that the revival of insurgency in the South was undertaken by southerners at their own—not Hanoi's—initiative. (For a further discussion of this and Gorman's similar misinterpretation of Philippe Devillers' views, see Noam Chomsky, "The Pentagon Papers as Propaganda and as History," (Gravel, V, 179–181.)

[12] He cites a CIA *Current Intelligence Weekly Review* dated 16 April 1958 as authority for his statement that Hanoi decided in December 1958 to open up a new stage of the struggle in the South.

[13] Noting that Carver's article, "The Faceless Vietcong," (*Foreign Affairs,* 44, April 1966, pp. 347–372) was a "compilation of evidences for the Administration's contention that the National Liberation Front of South Vietnam is a 'contrived political mechanism' of the Communist party of North Vietnam," *The New York Times* (April 30, 1966, p. 10) reported that Senator J. W. Fulbright had asked the CIA to take a look at the propriety of letting its analysts present official statements and conclusions to American readers in the guise of independent scholarship.

[14] For additional coverage, also available to U.S. government officials, see *Vietnam Presse Bulletin d'Informations Confidentielles* for this period. This was a special radio monitoring for top officials of the Diem regime, and a set is held by Cornell University Library.

[15] Well over half of the footnote citations in that central part of Gorman's study entitled *Hanoi and the Insurgency in South Vietnam* are from open sources, and this proportion holds in the treatment of some of the most controversial matters discussed. Thus, where he deals with the question of agrarian reform in the North all but eight of this thirty footnotes (numbers 20 to 49 in Vol. II, GPO edition, pp. 9–16 of IV, A 5, Tab 3) refer to open published sources. Of these eight, four cite open sources first, but apparently for corroboration add some that are classified; and the four that cite exclusively classified sources relate to matters of peripheral importance where the data are also available in open published materials. Hoang Van Chi is cited six times in this section, without any indication of his strong bias. Initially he worked in Saigon for the U.S. Information Agency and Diem's Ministry of Information, which helped subsidize publication of his first book, *The New Class in North Vietnam,* precursor to his later publication, *From Colonialism to Communism,* upon which Gorman depended heavily. Publication of this second book was subsidized by the U.S. Information Agency, and called to the attention of *Foreign Affairs* readers by the CIA's George Carver as a study that "merits the careful attention of anyone interested in Vietnamese affairs." In recent years Chi is reported to have been working in Washington for USIA and AID and as a consultant to the Rand Corporation. For a comprehensive critique of Hoang Van Chi's writings, see D. Gareth Porter, *The Myth of the Bloodbath,* International Relations of East Asia Project, Monograph No. 2 (Ithaca: Cornell University, 1972), esp. pp. 44–46.

That debate, of course, only ended during the administration of Richard Nixon when, in mid-1972, he fully unleashed American airpower. Once again the Joint Chiefs were proved wrong, though neither they nor President Nixon have, of course, been disposed to acknowledge this. Neither the damage to targets in and around Hanoi[17] nor the destruction of much of Haiphong and the blockade of it and other harbors brought about the results that the American military had for so long insisted would ensue. There was no lowering of morale, and the interdiction of sea communications was largely, and quite sufficiently, compensated for by alternate routes of overland communications that Hanoi had prepared in anticipation of such an American bombing escalation.[18] As is abundantly clear in the Pentagon Papers, American capacity to interdict Vietnamese overland transport was much more limited then publicly acknowledged. Surely one of the great myths of the war has been the much vaunted capacity of the U.S. Air Force and Naval air arm for precision bombing.[19]

Nor did the increased physical destruction and heightened civilian casualties inflicted by Nixon's unusually heavy 1972 bombing campaign induce Hanoi to yield more at the negotiating table than it was prepared to agree to before it suffered these blows.[20] And those who argue that Nixon got no better terms in the Paris Agreement of January 25, 1973 than he could have secured in 1969 are probably right.[21]

In view of the Papers' detailed account of the air war in the North, it is curious that there is so little treatment of the considerably more extensive U.S. air activity in the South, where altogether the tonnage dropped was more than three times as great. What coverage there is focuses almost exclusively upon tactical missions supportive of ground forces. But of the enormous program of strategic bombing in the South—its extent and objectives—one finds almost no trace. Yet this was of central importance to the U.S. military effort and dovetailed with the increased reliance on harassment and interdiction fire by land-based artillery and naval gunnery to deny territory—or more precisely manpower and food—to the NLF. As it became clear that the ARVN was unable to follow up U.S. search and destroy operations with any lasting control over areas from which American firepower had driven communist forces, the utility of these American ground sweeps, with their often heavy attendant casualties, was increasingly downgraded. The policy that followed was no longer aimed at ousting the enemy from an area so that the Saigon military could occupy it and control an only temporarily displaced population. Instead, by the use of massive airpower, ultimately especially the B-52s, the object became to pound extensive rural areas so heavily and sustainedly as to turn them into no-man's lands. Populations that had once either supported the NLF or tried to remain neutral were permanently driven out, with no alternative but to crowd into the refugee camps, fed by American funds and controlled by Thieu's police. The saturation bombings that produced so many civilian casualties and "generated" so many refugees, surely one of the ugliest parts of the American record in Vietnam, constituted a major aspect of U.S. air warfare, but they are simply not part of the picture prepared for the Secretary of Defense.

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[16] The first 276 pages of Vol. IV of the Gravel edition and the first 384 pages of Vol. VI of the GPO edition are devoted to the air war in the North.

[17] Witnessed by the writer. As early as mid-September 1972, within the city, whole blocks of workers' housing, several schools, and a wing of a hospital had been destroyed.

[18] This, I believe, is now beginning to be rather widely acknowledged, and I can provide eyewitness corroboration on the basis of a trip I took north of Hanoi and through part of the Viet Bac (the extensive upland and mountainous area fronting on the China border) in late September 1972. The volume of truck traffic coming down over the roads out of China was enormous, many times heavier than I had witnessed on any road in the North during a visit the previous year. Few of the trucks were laden with oil or gasoline, for a pipeline had been laid to the China frontier; and at night at least as far north as Thai Nguyen, the railroad still operated.

Thus, despite the heavy daily bombing attacks that the U.S. mounted in 1972, the augmented flow of overland traffic from the China border compensated for most of the imports that had previously been shipped in via Haiphong and other harbors. Helping insure this was a tremendous extension of the road system through a crash building program whereby the principal routes from the China frontier were supplemented by countless parallel roads and bypasses immediately available should bombs temporarily cut stretches of the main roads. Complementing this was a well developed technology for substituting quickly assembled pontoon bridges for fixed structures when they were knocked out.

[19] The almost consistent inaccuracy of the U.S. strategic bombing of North Vietnam was strikingly apparent during the major escalation of this effort in 1972. Apparently the few "smart bombs" were husbanded for attacks on important bridges and major above-ground industrial targets. Well over 95 per cent of the attacks used conventional bombs, and it was their inaccuracy that encouraged so many of the undoubtedly courageous Vietnamese truck drivers to risk barreling along the roads during the day as well as at night. Never in my travels north of Hanoi during this period was my vehicle held up because of bomb damage to the roads. But repeatedly these roads were bracketed by the huge craters of bombs that had missed—on an average of about 200 to 300 feet wide of their mark. Although road traffic was not significantly impeded by the bombing, many civilian casualties resulted (as the underground hospital wards I visited in the area testified), for in missing the roads the bombs frequently smashed the peasant hamlets that lined them.

[20] These conclusions relating to Hanoi's negotiating position are based on research over the period 1967–73 that has involved my discussions with the Hanoi and NLF (PRG) delegations in Paris in 1968, 1969, 1970 and 1972 (October 27) as well as with members of the U.S. delegations to the Paris talks (including Ambassadors Harriman, Lodge, and Porter); with NLF and PRG officials in Phnom Penh in 1967 and in Hanoi in 1971 and 1972; with Prime Minister Pham Van Dong and his chief assistant for negotiations, Ambassador Ha Van Lau, in Hanoi in 1971 and Foreign Minister Nguyen Duy Trinh and Ha Van Lau in Hanoi at the end of September 1972.

[21] Hanoi's negotiating terms during the four-year period were generally misrepresented by the Nixon Administration. I experienced a minor example of this when a confidential memorandum that I prepared for Senator Fulbright and the Department of State on Hanoi's negotiating position was leaked (presumably by someone in the Department of State) to Joseph Kraft. His column (Sept. 30, 1971) described my evaluation of Hanoi's terms as being very close to the Administration's then current public version of them, rather than the considerably different position I had actually reported. Apparently Kraft was given an emasculated or heavily doctored version of my memorandum.

The Political Level of American Intervention

The American involvement in Indochina has generally been presented, as in the Pentagon Papers, primarily as a military problem. Military strategy and tactics have, of course, been perceived as enlisted in the service of broad political objectives largely transcending the Indochina states themselves—such as, containment of China, damming the spread of communism, maintaining the credibility of U.S. military power and the prestige at home and abroad of American presidents. But another fundamentally political aspect of U.S. intervention has been less appreciated and is certainly very much under-represented in the Papers. This has been the continuous and primarily covert effort to manipulate and shape the political character of these states to conform to the requirements of American military policies, for the possibility of their implementation has naturally depended upon having amenable indigenous regimes capable of providing cooperative bases from which American power could be applied.

The treatment of Cambodia and Laos in the Papers is not extensive, but in this coverage the contributors take considerable liberties with history. They evidence little grasp of some of the most basic political factors, refrain from any mention of the most important U.S. covert operations—military as well as political—and generally keep to the official public rationale of American policy toward these countries that was operative during the late 1950s. Their lack of understanding of the character and development of Cambodia's neutralism is striking, and Phnom Penh is even described as aligning itself with Hanoi![22] No mention at all is made of the CIA's long-term backing, (arms, training, finances, and air transport), of the rebel Khmer Serei (Free Cambodian Movement), or of the training of its Khmer Krom components (members of South Vietnam's large Cambodian minority) by U.S. Special Forces. Yet the Khmer Serei from at least 1963 through part of 1969 carried out military actions into Cambodia from American-supplied bases in Thailand and South Vietnam that tied up a major part of Cambodia's army.[23] This matter is, of course, of importance in assessing American charges that Sihanouk was lax and permissive in the face of the efforts of the NLF and Hanoi military to build up base sanctuaries inside the Cambodian border. Cambodia's tiny, poorly armed military forces would, in any case, have had enormous difficulty in coping with this problem. But with nearly half of the Cambodian army's approximately 18,000 combat troops absorbed in trying to contain the well-armed American-supported Khmer Serei invaders, it was rather less than reasonable for the U.S. military to expect them to make any major effort against the Vietnamese border bases.[24] (The ostensible rallying of most of these Khmer Serei forces to Sihanouk in 1969 introduced a Trojan Horse into the Cambodian army that was to play a decisive role in the coup against him in 1970, and after his overthrow, they and other American-trained and -financed Khmer Krom, totaling more than 10,000 men, have constituted Lon Nol's Praetorian Guard and the shock troops of his best regiments.)[25]

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[22] GPO edition, Vol. II, part IV A-5, Tab 3, p. 64.

[23] Corroborated by the writer during research undertaken in Cambodia in 1967. This account reflects the common denominator of opinion among three ambassadors of countries closely aligned with the U.S. as well as of members of the ICC and the UN's boundary commission. (Brief references to U.S. support of Khmer Serei activities can be found in *Newsweek*, May 4, 1970, p. 24, and *The New York Times*, Jan. 28, 1970, pp. 1, 9.) It is probable (but not provable) that the original rationale for this American policy was to weaken and overthrow Sihanouk's regime; but by 1967 the consensus of informed speculation among the diplomatic community in Phnom Penh was that the U.S. was by then simply undertaking to apply sufficient sustained pressure on Sihanouk to insure that he would not lean to the left internationally.

[24] This American-supported military intervention was counterproductive, politically as well as militarily, infuriating Sihanouk and driving him to break diplomatic relations with the U.S. and to seek economic aid from Peking.

Nor will one find evidence of the important roles in supporting Laotian military protégés of the U.S. played by Thai combat troops and by some of those remnants of Chiang Kai-shek's armed forces that had earlier, with CIA support, overrun parts of northeastern Burma. The Orwellian quality of the brief treatment of Laotian-American political relations is illustrated by the bland statement, "During 1958 and early 1959, the Royal Laotian Government became increasingly pro-Western. . . . "[26] Here an untutored reader would have no clue as to the massive, sustained effort of the United States to subvert and finally topple Souvanna Phouma's neutralist government.[27]

The shaping of the Saigon government into a political instrument compatible with and supportive of U.S. military objectives necessitated a major ongoing effort that was crucial to the overall thrust of U.S. policy. Success in this endeavor was an essential prerequisite to the escalation of U.S. military involvement, and even in an account restricted to decision making in Washington, it should loom large. But it doesn't in the Pentagon Papers. There are a number of scattered threads, but with the notable exception of the account of the overthrow of Diem, the warp and woof of the political dimension of American intervention is not to be found—either with respect to the relevant decisions in Washington or their implementation in Vietnam.

Only a few tantalizing glimpses filter through. One striking example comes in a 1961 memorandum from the CIA's General Edward Lansdale to President Kennedy.[28] There, in what appears to be a feeling of pique towards the U.S. Saigon Embassy, this top CIA agent notes that Diem's political party, the Can Lao, "was originally promoted by the U.S. State Department and was largely the brainchild of a highly respected, senior U.S. Foreign Service professional." Referring to U.S. Foreign Service officials, he goes on to observe: "I cannot truly sympathize with Americans who help promote a fascistic state and then get angry when it doesn't act like a democracy." Lansdale's criticism of the State Department is apparently made on the grounds that the Department is trespassing on what he regards as the CIA's territory, and not because he see any impropriety in its trying to manage and manipulate the politics and people of Vietnam. For he goes on to urge Kennedy to appoint an "unusual American" (evidently Lansdale himself) to establish a non-Communist opposition party to channel and control all of those discontented with Diem's rule. He reports that he had told these malcontents "that they'd better get busy scratching for a better program themselves or else I could only assume that they were being disloyal or treasonous. . . . " This sort of complacent paternalism is not exactly an aberrant example; either implicitly or explicitly it is widespread throughout the Papers, though only occasionally does it surface in so forthright a way.

Kennedy's reliance on Lansdale's judgment—however short-lived—and the serious consideration he briefly gave to assigning Lansdale a major role in coordinating and shaping the implementation of U.S. policy in Vietnam[29] suggest that the President was initially more inclined to see him as the glamorous Colonel Hillandale of William J. Lederer and Eugene Burdick's *The Ugly American* than as Alden Pyle, the self-righteous, politically naive American agent of Graham Greene's *Quiet American.*[30] Actually in his novel Greene comes uncannily close to describing some of this CIA agent's early activity in Vietnam; for beginning in 1953 during an assignment involving work on the "unconventional warfare" annexes of the Navarre Plan (the final French effort to achieve a military solution), Lansdale, apparently bypassing the French, undertook to contact and work with Trinh Minh The, leader of one of the largest of the Cao Dai militias. Undoubtedly Kennedy knew of this early clandestine role of Lansdale in Vietnam, but the Pentagon Papers, despite their substantial coverage of American policy during the early 1950s,[31] make no mention of it.

Although incorporating much valuable material, the description of U.S. efforts to build up

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[25] Based on data gathered by the writer in Phnom Penh in 1971 from American and Cambodian sources, including Son Ngoc Than, former head of the Khmer Serei.

[26] GPO edition, Vol. II, part IV, A-5, Tab 3, p. 61.

[27] The fullest coverage of this is to be found in Charles Stevenson, *The End of Nowhere: American Policy Towards Laos Since 1954,* (Boston: Beacon Press, 1972). Substantial accounts of this covert level of American activity were available well before this section was written. See for instance Bernard B. Fall, *Anatomy of a Crisis: The Laotian Crisis of 1960–61* (Garden City, N.Y.: Doubleday, 1969); Arthur J. Dommen, *Conflict in Laos: The Politics of Neutralization* (New York: Praeger, 1964; rev. ed., 1971); Hugh Toye, *Laos: Buffer State or Battlefield?* (London: Oxford Univ. Press, 1968).

[28] GPO edition, II, 9–10.

[29] Gravel edition, II, 2. At the outset of the Kennedy Administration, Lansdale was assigned the position of Assistant for Special Operations to the Secretary of Defense.

[30] Long afterwards Lansdale appeared to be sensitive and defensive about the speculation that he was Green's model for Pyle.

[31] Gravel edition, I, 53–107 and 179–203.

Ngo Dinh Diem's regime leaves out a great deal that is important. One looks in vain for an account of how Colonel Lansdale's group won over to Diem, or neutralized, some of the key military leaders of the two principal southern religious sects, the Cao Dai and Hoa Hao, through dispensing funds that are generally estimated in the millions of dollars,[32] and finding places for approximately 30,000 of their troops in Diem's army. (Lansdale's own estimate with respect to the Cao Dai component was 27,000.) Nor by reading the section on the origins of the insurgency would one know that even as late as the time of Diem's death a probable majority of the NLF's adherents were members of the Cao Dai and Hoa Hao.[33] I could discover no indication that Diem's immediate rival in 1954 was not Bao Dai, but rather Professor Buu Hoi, a man with considerable backing from both South Vietnamese civilians and military elements, who was publicly pledged to the reunification called for in the Geneva Agreements.[34] The Papers obscure the real character of American policy by making Buu Hoi almost a nonperson and ignoring such relevant documents as the memorandum of November 1954 by General Paul Ely, the normally pro-American commander of the French forces in Vietnam. There General Ely stated that the United States' "special addiction" to Diem had to be seen in the light of the fact that he was "the only Vietnamese politician who would absolutely never enter into contact with the Vietminh under any circumstances."[35]

I found no mention of the sharp political cutting edge of the U.S. Commodity Import Program. Major official rationales for this expensive operation during Diem's governance and today (it cost $375 million in fiscal year 1973) have been that it generates local currency for paying army salaries and that it helps to fight inflation. But its overall effect (partly through favoritism in decisions about which importers are given the opportunity to trade piastres for dollars) has been to enrich cooperative elements of South Vietnam's bourgeoisie and to provide them with a vested interest in any U.S.-supported regime. Indeed, it would not be amiss to conclude that the overall impact of U.S. economic aid programs has been to alter artificially the pattern of South Vietnam's class structure by significantly expanding its urban-based bourgeoisie. It is difficult to believe that the authors of the Pentagon Papers could have been so ignorant of the important political consequences—if not objectives—of the massive American aid program to successive Saigon regimes.

Those interested in examples of more direct U.S. manipulation of South Vietnamese politics are also likely to be disappointed. The major exception is the unusually candid account of the overthrow of Ngo Dinh Diem. (This component of the Papers still has not been officially declassified, and it is to the Gravel and *New York Times* editions that one must turn for unexpurgated accounts.) But why, one wonders, is this particular case described so fully, when most of the subsequent important instances of American political manipulation, some of which were even more direct, are merely hinted at or completely omitted?

The very next coup, in which General Duong Van Minh's government was ousted less than four months after he and his military colleagues overthrew Diem, is described as an essentially indigenous effort, with no mention that General Paul Harkins and the Pentagon were very much involved in encouraging and planning it. Could the explanation be that since the Pentagon opposed the overthrow of Diem it was willing to have that episode rather fully described, but because of its own deep involvement in the overthrow of Minh it was reluctant to have this part of the story included?

Space permits no more than a brief account of U.S. intervention in South Vietnam's political life in the post-Diem period, but it might be appropriate to begin by quoting from a substantial memorandum prepared in 1967 by Daniel Ellsberg for the U.S. mission in Saigon on the political situation in South Vietnam—a thoughtful and informative piece that unfortunately didn't find its way into the Pentagon Papers. There he notes, "Granted that the military leaders are emphatically not puppets; nevertheless I believe it is a fact that not one successful or abortive military coup has been attempted in the last five years in which the leaders did not seek in advance for American approval (and believed, rightly or wrongly, that they had achieved it)."

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[32] See Bernard Fall, *The Two Vietnams* (New York: Praeger, 1964), p. 246; also relevant are William J. Henderson, "South Vietnam Finds Itself," *Foreign Affairs,* Vol. 35 (Jan. 1957), 287; and Joseph Buttinger, *Vietnam: A Dragon Embattled,* 2 vols. (London: Pall Mall Press, 1967), II, 1101. Buttinger notes: "I myself know but cannot name American intermediaries who carried funds to Vietnamese recipients." He also cites several other published sources.

[33] Even Douglas Pike, a government employee not well known for opposition to official policy, acknowledges this. See his *Vietcong: The Organization and Techniques of the National Liberation Front of South Vietnam* (Cambridge, Mass.: M.I.T. Press, 1966), pp. 68–69, 83.

[34] Professor Buu Hoi, a cousin of Bao Dai, was a medical scientist of considerable stature who was a specialist on cancer and leprosy and Director of Research at the Radium Institute in Paris. The only reference to him I found in the Papers is in Gravel, I, 221, where he is very briefly mentioned as a favorite of the French, whose political ideologies were "repugnant to Dulles."

[35] See Philippe Devillers and Jean Lacouture, *End of a War* (New York: Praeger, 1969), pp. 337, 363.

Ellsberg puts the matter too mildly. Actually at its most basic level the relationship of the U.S. to the regimes in Saigon, from Diem to the present, could be characterized as follows: first, no Saigon regime has ever been able to stand without the buttressing of massive American economic, political, and military support; second, none that the United States wanted out has remained in power; third, no coup has succeeded that lacked American support; fourth, the inability of the U.S. to exert complete control over any of the governments that it has supported in Saigon does not contradict the fact that it has never countenanced for long any significant departure from fundamental American objectives by any one of them; and, indeed, the U.S. has played an important role in engineering the overthrow of any government that has departed unacceptably from its wishes.

Illustrative of these general remarks are the following major instances of direct U.S. intervention in South Vietnam's political life during the years since Diem's death: General Nguyen Khanh's coup against the Minh government in January 1964; the overthrow of General Khanh in February 1965; Khanh's subsequent expulsion from the country and the ensconcing of Ky and Thieu in power; support to Ky and Thieu in smashing the Buddhists as a major political force in 1966. It should be observed that Minh's government challenged U.S. policies by opposing plans for American bombing of the North and by contacting the NLF with a view to exploring possibilities for a settlement.[36] General Khanh initially delighted McNamara and General Taylor by his enthusiastic support for U.S. bombing plans in the North and the positioning of U.S. advisers down to the battalion levels of his army; but later when he and General Taylor had a severe falling out, he moved to secure his political position by courting the Buddhists. To maintain their support he too got in touch with the NLF, apparently with the same objective as Minh, and that move was presumably the final straw that brought the U.S. to engineer his ouster.[37]

With Thieu as Chief of State and Ky as Prime Minister, the U.S. had in Saigon the sort of political instrument it required for an unfettered conduct of the war in accordance with American prescriptions, and the military escalation that the Johnson Administration had been readying could be unleashed. Once again, as had been the case until almost the end of Diem's governance, the official watchword of the U.S. mission to Saigon became "political stability." No more coups were to be countenanced, and when they threatened, the United States threw its weight on the side of Thieu and Ky to ensure their continuing dominance.

This was abundantly evident in the major challenge to their rule in 1966 mounted in DaNang and Hue by the Buddhist Struggle Movement and General Nguyen Chanh Thi, Commander of the First Corps Area. The Papers only lightly touch on the matter, but the United States supported Ky and Thieu in suppressing the uprising; and General Westmoreland induced General Thi to undergo a physical checkup in Washington where he remains to this day. (Among the political prisoners still held in South Vietnam's jails, many are Buddhist monks and students arrested in DaNang and Hue in 1966.) Moreover, one will find no mention in the Papers of the subsequent sustained effort mounted by the U.S. Saigon Embassy and other agencies to keep the Buddhists politically divided and ineffective as an opposition to Ky and Thieu.[38] The last year of serious challenge to Ky and Thieu (apart, of course, from the NLF) was 1966. From then on, Vietnamese under Saigon's control believed that it was impossible, whether through physical or nonphysical means, to oppose them so long as the United States stood foursquare behind them; and that, of course, is exactly what both Johnson and Nixon did.

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[36] The Papers do disclose how adamant President Johnson was in his insistence that there be no political compromise between U.S.-backed Saigon military leaders and the NLF, or for that matter even with non-Communist "Third Force elements." Nothing could be more unequivocal than his cable to Ambassador Lodge of March 20, 1964: ". . . Your mission is precisely for the purpose of knocking down the idea of neutralization wherever it rears its ugly head and on this point I think nothing is more important than to stop neutralist talk wherever we can by whatever means we can." *The New York Times* edition, p. 285; Gravel, III, 511.

[37] These conclusions, by no means exclusively mine, are based on data accumulated in the course of research in Vietnam that I carried out in 1966–67, 1970, 1971 and 1972. They reflect, in addition to knowledgeable American sources, extensive interviews with Vietnamese civilian and military leaders including, among others, Generals Tran Van Don, Nguyen Khanh, Duong Van Minh, and Nguyen Chanh Thi.

[38] These conclusions are based on discussions with American and Vietnamese military and civilian officials in South Vietnam as well as with leaders of the Buddhist Struggle Movement. (I have in my possession a copy of General Westmoreland's letter to General Thi inviting him to go to the U.S. for medical treatment.)

Ambassador Lodge's antipathetic views regarding the Buddhists are noted in the Pentagon Papers. (See, for instance, Gravel, II, 376.) Brief note is made there of the U.S. airlift of Ky's troops to DaNang for the purpose of ousting the Buddhists and their military supporters, (Gravel, II, 373), but there is no mention of the fact that U.S. troops were employed to hold the airfield so that Ky could continue to funnel in troops or that U.S. Marines held the approaches to DaNang city and refused to let rebel forces in.

Once it was clear that this Vietnamese military leadership was firmly and unchallengeably ensconced in power, the Johnson Administration gave up its earlier opposition to top-level elections in Saigon-held areas[39] and helped arrange for them. There followed those charades in the fall of 1966 and 1967—directed more to an American than a Vietnamese audience—that provided the basis for assurances from Presidents Johnson and Nixon that American sacrifices in Vietnam were made in support of a "legitimate" freely-elected government, representative of the will of the South Vietnamese people. These exercises in public relations (like the election in Vietnam of 1971) did not change the character of the Saigon government, nor were they designed to. In fact, their nature was such as to rule out any basic change in leadership, preventing any possibility that a political leader or group opposed to U.S. policy objectives could replace Ky and Thieu and their military entourage. The central problem was to make the elections sufficiently credible to Americans while at the same time insuring that the existing Saigon military leadership would remain in control.[40] Maintenance of this sort of political stability, as it was termed, was a fundamental prerequisite for the conduct of U.S. military policy in Vietnam in accordance with Washington's prescriptions and objectives; but this part of the story is not to be found in the Papers.

The Pentagon Papers give no real appreciation of the far-reaching consequences—for Americans as well as for Vietnamese—of the politically polarizing influence of American intervention. By providing a succession of Saigon regimes from Diem through Thieu with the assurance of continuing large-scale U.S. economic and military support, the U.S. relieved them of the necessity for working towards an accommodation reflecting the actual balance of indigenous political forces. This process has effectively destroyed the political middle group in the South, nearly all of its existing and potential leaders becoming thoroughly intimidated if not jailed or assassinated. And it has insured that South Vietnamese, whatever their political belief, who have wished to arrive at a peaceful settlement have been denied the possibility of working towards it.

Nor do the Papers prepare the reader to appreciate that with the withdrawal of directly applied American military power from Cambodia, Laos, and Vietnam, highly artificial political configurations are being left behind. In all of these countries the character of political life has been profoundly altered by the enormous weight of American involvement; and the natural pulls of indigenous political gravity are still heavily offset by the countervailing thrust of an American intervention that even today absorbs by far the largest component of all U.S. overseas expenditure.

From Truman through Nixon the conscious shaping of political forces and power balances within Vietnam has constituted an aspect of American involvement quite as important as that carried out on the military level; and without it that latter would not have been feasible. Richly informative as the Pentagon Papers are concerning the military side of American intervention, they are generally very sketchy and inadequate with respect to the political dimension; and for the critical years, 1964–68 the gaps are particularly extensive. So striking are these omissions that the question arises whether Leslie Gelb's Pentagon team might not have been privately admonished to stay away from major instances of U.S. political intervention. Certainly the Papers fall short of the standard that he states the Secretary of Defense set for them: " . . . to produce a history of United States involvement in Vietnam" that was to be "encyclopaedic and objective."

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[39] In a letter of August 25, 1965 to the writer, William P. Bundy argued in the strongest terms against their being held.

[40] It was not simply through intimidation and the application of force that the outcome was controlled. The mesh of the laws governing all of the elections—whether for Constituent Assembly, President, Senate or House—was woven into a sieve so tight as to insure that Thieu and Ky could exclude anyone they wished. First, no one was permitted to run who was alleged to have worked directly or indirectly for communism or neutralism. The label "Communist" was assigned with much greater freedom than even Joe McCarthy ever dreamed of, and the term "neutralist" was attached to anyone advocating peace and a negotiated settlement of the war or who called for the departure of U.S. military forces. And secondly, and so far as I know still unreported by American correspondents, in all these elections anyone who had at any time been arrested for "political reasons," whether by Ky, Khanh, Diem or the French, was prohibited from running for office unless cleared by a special court appointed by Ky or Thieu. (See the last paragraph of article 11 of each of the 1967 laws governing election to the Presidency, Senate and House; a similar provision was incorporated in the 1966 law governing election to the Constituent Assembly.)

In the presidential election of 1971, Thieu maintained all of the discriminatory provisions of the 1967 election law and added others that made it impossible for even Ky to compete; he ended up with a "referendum" on the continuation of his own rule—the results of which he announced as being 94.3% in his favor. American officials did not wish Ky to run until the last minute when General Minh, the only other presidential candidate, withdrew from the race; they then insisted that a previous decision be reversed so that Ky could qualify. But at the eleventh hour, with the cards so heavily stacked against him, Ky refused to run. General Minh withdrew at a time when threats and repression against his backers were mounting and when Ambassador Bunker refused to provide assurances of American support to help insure free elections, even though Minh had provided him with a copy of Thieu's secret instructions to his province chiefs on how the election was to be controlled.

What Use Are Three Versions of the Pentagon Papers?*

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We shall probably have to wait many years for a "Pentagon Papers" of the Nixon era, to learn how we got out, in detail comparable to what the Papers tell us of how we got in.†

Yet for admonition about the future, knowing how we got in is our priority need, as was apparently recognized by a disillusioned Robert McNamara when he commissioned the Papers we have. McNamara was, I would surmise, undertaking a form of instructive confession; by its very indirectness yet thoroughness and immediacy it might tend to purge himself and at the same time warn successors more deeply than any mere memoir that he might be able to present. (Was the alternative for him to write like Albert Speer?)

Speculation is tempting. All we know is that once the study had been launched (with an oral directive for six professionals in six months to do "encyclopedic and objective" studies of the "history of United States involvement in Vietnam from World War II to the present"), it took on a life of its own, like so much else in the Vietnam-war Pentagon; yet McNamara continued to urge it forward ("just fine," "just get it done") as it burgeoned toward its thirty-six-professionals-nineteen-months magnitude: 2½ million words in 43 volumes comprising 37 studies and 15 collections of documents. In man-months the increase was by a factor of four from the initial projection.[1]

In implications about the use of the product the effect seems to me momentous. On the scale initially projected one might imagine—conceivably McNamara did imagine—that the product would attract the attention and receive the time of insiders and inculcate its implied admonition there, not on the outside. But what actually emerged is so huge that one can hardly imagine any official with operational responsibilities ever reading it. At the most he might find time to skim the summaries that Leslie Gelb supplied for the individual studies, and perhaps read a few separate studies. Yet these kinds of selectivity would deprive the busy reader of the essential impact, which comes from following the whole saga with all its searing flashes of recurrent déjà vu. To be sure, the massive text might have become classified case-study material for the academies and colleges of the services and thus have shaped the next generation of praetorians, while the text itself was waiting to be revised for publication decades later in an official DoD history of the Vietnam war and in the State Department's *Foreign Relations* series. But was talent so abundant in the Washington national security establishment during 1967–68 that thirty-six professionals were being detailed an average of four months each to write mainly for those future audiences? Conceivably there was a sufficiently impelling fear that important documents might later be destroyed or altered or (perhaps deliberately) lost; possibly there might never again be an opportunity to bring together so much information from so many different secret files.[2] Yet additionally I would surmise that at some point in the preparation of the studies—beginning, middle, or end—they began to cry for early publication. Otherwise, on a subject of such moment and interest, the sense of sheer waste was likely to be unbearable, if not to the disciplined career men who did much of the work, then to the "in-and-outers" who did the rest or to someone on the fringes into whose hands it all might fall. And in that light I cannot help suspecting that such a mounting urge for disclosure, perhaps via Congress or a new Administration, was so foreseeable as to be a clue to some part of McNamara's unspoken motivation in getting it all started or letting it burgeon, or to his deceased aide John McNaughton's or to Gelb's or Morton Halperin's who were all closer to it than McNamara himself. Outsiders, not insiders, were the natural audience for studies as voluminous as the Pentagon Papers turned out to be. If the Papers were not likely to be released soon, it was doubtfully cost-effective to make such a massive effort to write them while the war was still in progress.

**The Pentagon Papers as Published by the New York Times.* By Neil Sheehan, Hedrick Smith, E. W. Kenworthy, and Fox Butterfield. (New York: Bantam Books, Inc., 1971. Pp. 677. $2.25, paper.)

The Pentagon Papers: The Defense Department History of United States Decision-making on Vietnam: The Senator Gravel Edition. (Boston: Beacon Press, 1971. Pp. 2,899. $20, paper.)

United States-Vietnam Relations, 1945–1967: Study Prepared by the Department of Defense, 12 Vols. Printed for the use of the House Committee on Armed Services. (Washington: U.S. Government Printing Office, 1971. $50, paper.)

† I wish to express appreciation to Professor Gaddis Smith, Department of History, Yale University, and to my research assistant Steve Charnovitz for their aid in my initial investigation of discrepancies between the editions of the Pentagon Papers.

[1] Gravel, xv-xvi.

[2] Furthermore it has been alleged that a CIA old-boy net involved in the preparation and dissemination of the Pentagon Papers was using these studies to protect the agency's image and shift Vietnam blame away from CIA, particularly onto the backs of the military professionals, even when the latter had actually been fronting for CIA. The charge is that this old-boy net was deliberately burying the bad record of the counterproductive enthusiasms of CIA's "operators," under the good record of the prescient scepticism of CIA's "analysts," Cassandras of whom the agency could now be proud. See L. Fletcher Prouty, *The Secret Team* (Englewood Cliffs, N.J.: Prentice-Hall, 1973), pp. 57-61, 189-201, and passim. Prouty is a retired Air Force colonel who in 1955-63 was a liaison officer with CIA for the Air Force and the Pentagon. His account as a whole is so biased that one is tempted to dismiss it entirely; but Leslie Gelb's account of his own stewardship of the project would indeed allow the possibility of some CIA manipulation: "Beyond what we had at Defense [of CIA documents], I made an arrangement with the CIA whereby materials were furnished on request. This did not include a large number of staff papers, but enough to indicate internal Agency differences on some issues. All final products were available (such as National Intelligence Estimates and approved reports)." Leslie Gelb, "The Pentagon Papers and The Vantage Point," *Foreign Policy,* 6 (Spring, 1972), 28.

Insiders (except those who are so uncommonly openminded and farsighted as to favor broad disclosures) can be expected to draw the conclusion that no such "attractive nuisance" as the Pentagon Papers should ever be assembled again. And therefore outsiders like me can avidly indulge a sense of extraordinary good fortune at this one colossal leak, without much ambivalent wistful anxiety that it will be permitted to occur again enough to jeopardize international relationships. For the future a leak of these proportions is self-sealing, except when the top authorities themselves contemplate ventilation as a lesser evil than their own protracted encapsulation.

Yet I should add that complacency about early publication is deepened in this case by a circumstance that is very rare in journalism—the action of *The New York Times* in holding the Papers for months, risking being scooped or banned, while (necessarily in secret) competent journalists rewrote them at great length to make them as absorbable yet complete as possible. The result, I am convinced, is that the attentive public ultimately received a more thorough and balanced retrospective view of the war than would have been possible by any other likely device—specifically, better than a congressional investigation, which, even if as good as the Pearl Harbor investigation after World War II or the MacArthur-removal investigation during the Korean war, would have been incoherent by comparison with the *Times* Pentagon Papers. The only educational advantage of an investigation would have been that by lengthy command of the headlines and television screens it might have made a more penetrating and possibly a more lasting impact on public opinion.

The Discrepancies between the Editions

The *New York Times*-Bantam Books version is bound to *be* the Pentagon Papers for most serious readers. *The Times* employed a special staff of nineteen to backstop four writers headed by Neil Sheehan, who had had his Vietnam baptism of fire with David Halberstam almost a decade earlier and had been back there since. The product is a remarkably adequate, sound, readable condensation of the narrative analyses in the Pentagon Papers (better for the 1960s than for the 1940s and 1950s). Many of the original documents are included, in whole or in part. The *Times*-Bantam version avoids going much beyond the Pentagon analysts' range of interpretation. Generally the condensation of their narratives reflects the strengths and weaknesses of these accounts sufficiently for readers who cannot be expected to concentrate mainly on original documents but would like to know what the analysts concluded. To that extent, *Times*-Bantam admirably meets the immediate needs of the informed citizen and most undergraduate classrooms (much better, for example, than a possible stringing together of Gelb's summary chapters might do).

Yet advanced students are more deeply in debt to Senator Mike Gravel and the Beacon Press for editing and printing the most complete and orderly version, at considerable risk to themselves and their staffs, both penal and financial, and for thus hastening the release to Representative Hébert (for publication by his House Armed Services Committee) of an OSD version which, while less complete and orderly than Gravel's, is voluminous also and contains much that Gravel does not.

A curiosity of the situation is that *The New York Times* obtained and printed many documents that were not part of the original studies as such. The sources are unclear, but the documents' authenticity has not been challenged, and Gravel reprints them with acknowledgement.

For most people who have reasons not to be content with the *Times*-Bantam version, the convenient course is to proceed to "Gravel" and then take account of discrepancies and additional material available in what I, for symmetry, shall label "Hébert." Gravel is the starting place for serious research not only because of its relative completeness, clear chronological arrangement, and full tables of contents and glossaries (not to mention advantageous price and accessibility) but also because the quality of its printing and proofreading is so remarkably high, through thousands of closely packed pages, as to merit special commendation, especially considering the speed with which it was done; the scholar need have very little fear of being misled by printers if he avoids the eyestrain of reading the indifferently xeroxed originals that were compiled by photo processes to make the twelve volumes of Hébert.[3] He would, however, thus miss the peculiar joy archival scholars find in actually seeing the original memoranda with original signatures and scribbles; for that he must turn to Hébert—and perhaps even some undergraduate classrooms might be enlivened by this experience, dealing with events so recent.

The scholar using either Gravel or Hébert will have to equip himself from other sources with some good maps of Vietnam and the region. (This gap one would think could be corrected in future reprints of Gravel.) He will then want to know what is not included in Gravel but can be found in Hébert, or vice versa. The Appendix to this article can serve him as a bibliographical guide to all those items; which ones he troubles to pursue will of course depend on his individual needs.

The question arises why, with *Times*-Bantam in print and Gravel-Beacon in the immediate offing, the Nixon Administration resorted to censorship at all when it resolved to publish Hébert. Indeed, why publish anything officially? Obviously any discrepancies (Gravel's authenticity not being convincingly challengeable) would highlight for any close reader just what the Administration still considered sensitive; yet appearance in an official publication could be interpreted as carrying with it some implication of current official endorsement (reassertion, reconfirmation). Not to publish anything officially would thus, prima facie, be most compatible with diplomatic convenience abroad and with judicial prosecutions at home alleging the gravity of the leak. Domestic politics, however, some of it within the bureaucracy itself, seemed better served by making a virtue of necessity through a gesture of great "openness," releasing an edition that might outdo even Gravel in sheer bulk. The White House "plumbers" unit was exploring the feasibility of using a congressional investigation to destroy the reputation not only of Daniel Ellsberg but also of others including Leslie Gelb, Morton Halperin, and even Clark Clifford and Robert McNamara, for conspiratorially rigging the initial studies and the later leaks so as to slander Pentagon professionals; "full" publication might help substantiate this alleged pattern of distortion.[4] Moreover, when one re-examines the problem of the diplomatic embarrassments that might arise from the censorship that would be detectable through discrepancies, one can see that such highlighting of the Administration's current sensitivities could be construed as an advantage: by discreet indirection it lets interested parties know just what parts of what the leakers are publishing anyway cannot be interpreted as bearing any implication of current official endorsement.

I am reminded of how much extra difficulty Eisenhower got himself and the country into in the U-2 affair by not disavowing responsibility for his subordinates' actions and overtly disapproving them, or at least keeping silent about them. Instead he let himself be seen as endorsing the past and implying a right to do the same things again. Such an image was too stark for other interested governments to pretend to ignore. By publishing a Pentagon Papers version so censored as to highlight discrepancies, the Nixon Administration, in effect if not deliberately, signaled to other governments what they might well be able to afford to pretend to treat as mere ancient history; they could be free to claim that particular passages, however embarrassing as history, were at least not being restated by the current American Administration and indicative of its attitudes.

What then are these discrepancies?

They fall into two main categories.

The first can generally be described as comprising a multiplicity of undercover activities, mainly by CIA. Prominent among these are the prosecution of secret war in Laos, numerous efforts to manipulate Saigon politics, and above all the complicity of Americans in the overthrow of Diem in 1963.

The other major category comprises some dealings with Allied governments and with the Russians, and some speculation about them. Concerning China, the censors may have lagged bureaucratically behind the surfacing of the new American China Policy which was proceeding while they were at work. Invidious references to China and to other Communist countries except Russia (and to some extent Rumania) generally are unaltered in Hébert except for one prominent topic: Hébert deletes repeated references to plans to use nuclear weapons in case of massive Chinese intervention in Vietnam.

Many of the censored dealings and speculations concern negotiations to end the war, those futile negotiations in which each side was willing to provide the other an honorable way out provided it emerged essentially victorious itself. Presumably in hope of minimizing further impediments to progress, the leakers themselves withheld four volumes of the original Pentagon Papers specifically about negotiations; consequently these do not appear in Gravel, Hébert, or *Times*-Bantam and are not reviewed here. They were used in the Ellsberg trial, 1973, but are still not in the public domain.[5]

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[3] About a year after the publication of the four volumes of the Senator Gravel edition, a fifth volume appeared comprising a helpful 64-page index; a convenient revision of the Tonkin Gulf narrative to incorporate material from Hébert; fifteen "Critical Essays Edited by Noam Chomsky and Howard Zinn;" and a set of synoptic tables comparing the Gravel and Hébert editions. The synoptic tables are incomplete. Gravel actually has more documents not in Hébert's document books than it claims in these tables. I have chosen in this review not to appraise the "Critical Essays," because the task of reviewing reviews of the Pentagon Papers is a distinct (probably worthwhile) one that ought to cover many .writings besides those assembled by Chomsky and Zinn.

[4] Peter Schrag, *Test of Loyalty: Daniel Ellsberg and the Rituals of Secret Government* (New York: Simon and Schuster, 1974), pp. 82, 116–119, 300–303. Also Peter Schrag, "The Ellsberg Question," *New York Times,* June 17, 1974, p. 31. As a journalist Schrag covered the Ellsberg trial fully and did a vast amount of additional interviewing.

Missing from all Three Versions

For procedural details about how the Papers were assembled and the difficulties encountered, it should suffice to refer the interested reader to the careful statements by Leslie Gelb, the principal author, in his "Letter of Transmittal of the Study" and his review of it in *Foreign Policy*.[6] What emerges is that the "Pentagon Papers" were appropriately christened; the Pentagon had been their project-sponsor, and Pentagon files had been their principal sources. Within the Pentagon it was the Office of the Secretary of Defense and importantly not the Joint Chiefs of Staff that was open to the investigators. Yet the search did move outward to incorporate most of the relevant State Department files and some of the documentation of the National Security Council staff and CIA (intelligence estimates more than undercover operations). As for Vietnam itself and the Americans there, they were seen through these Washington files, not through fresh field studies. The whole was supplemented from public-domain sources and undoubtedly was affected by the Vietnamese operational experiences of two-thirds of the individual narrative writers themselves.

Under the circumstances no one should be surprised to find that the quality of the Papers is uneven and that although there is, for the most part, an apparent striving for objectivity, it is of course objectivity within the range that I would identify as the "Establishment dove" perspectives of that period (1967–68). The analysts' general approach was one of carefully retracing particular steps through a maze in hope of finding the wrong turnings, so that the right turnings could yet be made or at least so that the same wrong turnings would not be made again in the future; such analysts could not be expected to flail out against mazes as such or against the basic motives of those who lead America into them. Obvious inherent constraints at the Pentagon meant that fundamental historical revisionism would have to come later from outside, if at all, using the Pentagon studies (especially the documents) as partial raw material.

In the meantime, any alert reader should be able to refocus for himself the analysts' perspectives so as to find a great deal that is valuable for him in their accounts as well as in the documents. The reader should also bear in mind, however, a less obvious fact: the sources leave the Papers most seriously deficient at two extremes, the presidential summit in Washington and the beleaguered villages in Vietnam.

The Pentagon Papers leave us guessing most of the time (more often than we are explicitly reminded) about what was on the minds of the President himself and his Secretary of State. About Robert McNamara's thinking, we do appear to learn much more; yet it remains clouded by uncertainty about how much, step by step, McNamara was merely bowing loyally in advance to the rule of anticipated presidential reactions. As for the Chiefs of Staff, in the Pentagon Papers they appear generally to present a faceless front of solidarity.[7] Even General Westmoreland does not stand out as centrally as he probably should; his own report remains an essential supplement to the Papers.[8] So, of course, does President Johnson's memoir, though it must be used with extraordinary circumspection (like that of an Internal Revenue attorney scrutinizing returns prepared by tax lawyers adept at legal loopholes, Gelb not ungenerously suggests).[9] As for Rusk, he has retrospectively given us one revealing television interview;[10] Walt Rostow, a huge but unrevealing book;[11] and McGeorge Bundy, some unpublished closed lectures to the Council on Foreign Relations. When one reviews this list of principal characters, one sees that Vietnam war historians can still only speculate about the topmost decision makers. Correspondingly, political scientists wishing to generalize about the policy process should not presume upon Pentagon Papers evidence too far up the chain of command.

At the other extreme from the Washington summit, the Papers are markedly deficient also about the Vietnamese themselves. Urban politics in South Vietnam do get some occasional detail through sketchy accounts of American leverage. But the characterizations of North Vietnam and the rural South are little more than simple strokes of broad assertion, dotted with myriad statistics to lend a dubious image of precision. Fortunately, however, about the Vietnamese we do have other accounts now that are at least more adequate than what we have about the principals at the summit to supplement the Pentagon Papers; I would cite especially books by John McAlister, Jeffrey Race, and (with greater reservations) Douglas Pike.[12] What remains most disturbing about the coverage of the Vietnamese in the Pentagon Papers is not the fact that the Papers do not give the reader enough of what he now needs to know about the subject but that this very gap shows that the policymakers at the time did not know or even care enough about it either, especially not enough about the rural South. Only a few officials, mainly in a divided CIA, were doing much probing about Vietnamese villagers, and they failed to convince. Moreover they tended to share the common outer limit of liberal perspective within the national security establishment, namely to see the NLF as possibly the irretrievable bearer of Vietnamese *reformist* and *national* revolutionary aspirations but not as deriving great popularity from being full-fledged *social revolutionaries*. Gelb himself writes an able summary critique of the strategic hamlet program without even referring to class-conflict considerations (like those highlighted later by Race in his intimate treatment of the program); Gelb concludes lamely that the "only verdict that can be given at this time with respect to the validity of the [counterinsurgency doctrine embodied in the strategic hamlet approach] is that used by the Scots—'case not proved.' "[13] Gelb does permit himself the following *cri de coeur*, referring to incipient Vietnamization after Tet 1968:

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[5] About the negotiations one should also consult Chester L. Cooper, *The Lost Crusade: America in Vietnam* (New York: Dodd, Mead, 1970), pp. 289–407.

[6] Gravel, I, xv-xvi; and "The Pentagon Papers and The Vantage Point," pp. 25–41.

[7] For one of the few exceptions and for specific mention of the problem, see Gravel, III, 397.

[8] *Report on the War in Vietnam (as of 30 June 1968)*, by Admiral U. S. G. Sharp and General W. C. Westmoreland (Washington: Government Printing Office, 1969). This richly detailed document, which was in preparation simultaneously with the original Pentagon Papers and was published two years sooner, has never received the attention it deserves, pro or con.

[9] Lyndon B. Johnson, *The Vantage Point: Perspectives of the Presidency, 1963–1969* (New York: Holt, Rinehart and Winston, 1971). Gelb's comment is in "The Pentagon Papers and The Vantage Point," p. 36.

[10] *The New York Times*, July 14, 1971, "op-ed" page.

[11] W. W. Rostow, *The Diffusion of Power: An Essay in Recent History* (New York: Macmillan, 1972).

> The most basic of the questions [which have been consistently avoided in the desire to assist South Vietnam] is whether the U.S. can in any way serve as a makeweight sufficient to change the unfavorable trend of the war in South Vietnam? Can it, that is, overcome the apparent fact that the Viet Cong have "captured" the Vietnamese nationalist movement while the GVN has become the refuge of Vietnamese who were allied with the French in the battle against the independence of their nation? Attempts to answer this question are complicated, of course, by the difficult issue of Viet Cong allegiance to and control by Communist China. But this is the nature of the situation. The issue of whether the U.S. *can* energize the GVN has too long been submerged by repeated assertions that it *must* do so.[14]

That *nationalism* as such might properly not be the overriding issue for either side, those supporting and those opposing a thoroughgoing *social revolution*, tends to get overlooked even in this praiseworthy effort by an insider to promote a re-examination of basic policy. Yet Gelb himself has a disarming answer to critics who complain that the Papers "did not make an independent analysis of Vietnamese culture and politics (true, but our task was to see Vietnam through the eyes of our leaders)."[15]

So be it then. Through the eyes of our leaders, just short of the very summit, we have been privileged by the Pentagon Papers to scrutinize intimately what they were scrutinizing, out of all the Tolstoyan fog of a major war, while that war was still in progress.

We have received much more than half a loaf.

What then do we learn and within the recognized bounds of the studies what should we criticize? Obviously the work is too large to mention everything. Selectivity must be somewhat personal. I found myself struck especially by the following points, some of them of interest particularly in light of the redivision of South Vietnam which the Nixon Administration finally accepted de facto. But I would emphasize that the Papers amply repay a complete reading from beginning to end, with a deepening awareness of the total sweep of events.

Closed Politics and the Obsession with Dominoes

Let me begin with a very personal approach to a point of broad importance. I am an outsider professionally concerned with American foreign policy processes who has made it his business for more than twenty years to read every substantial English-language book and journal article, *New York Times* article, and numerous other periodical and French studies, on Vietnam and American relations with it. It is hard to see how one dependent on published sources on this subject can do more to keep himself informed about the movement of opinions on the inside without making a full-time job of it. Yet the Pentagon Papers demonstrated to me (what I had less precisely suspected) that while I had pretty consistently perceived the inside shifts correctly, I had almost as consistently been about six months behind in my estimate of them. For me this is important in underscoring a familiar point which the *Times* editor expresses this way:

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[12] John T. McAlister, Jr., *Vietnam: The Origins of Revolution* (Garden City, N.Y.: Doubleday, 1971); Jeffrey Race, *War Comes to Long An: Revolutionary Conflict in a Vietnamese Province* (Berkeley: University of California Press, 1972); Douglas Pike, *Viet Cong: The Organization and Techniques of the National Liberation Front of South Vietnam* (Cambridge, Mass.: MIT Press, 1966).

[13] Gravel, II, 131. On this point and others mentioned in this paragraph compare Race, pp. 179–180, 207, 251.

[14] Gravel, II, 414.

[15] "The Pentagon Papers and The Vantage Point," p. 31.

> Vigorous internal policy debates are only dimly heard [outside] and high-level intelligence analyses that contradict policy are not read outside. But, as the Pentagon Papers demonstrate, knowledge of these policy debates and the dissents from the intelligence agencies might have given Congress and the public a different attitude toward the publicly announced decisions of the successive Administrations.[16]

Correspondingly, the impact of feedback from the public might have been greater, sooner. General Maxwell Taylor declares in his Vietnam memoir, "It was not until 1967 that President Johnson and his advisers became deeply alarmed by the growth of antiwar agitation and by evidence of the widening communication gap between the Administration and the public."[17] Closed politics, temporarily convenient, had very great long-run costs.

There is another familiar point that no review of the *Pentagon Papers* can neglect: the controlling importance of the domino theory throughout all the events. As far back as May 20, 1949, we find Secretary of State Acheson's signature on this telegram:

> Question whether Ho as much nationalist as Commie is irrelevant. All Stalinists in colonial areas are nationalists. With achievement nat'l aims (i.e., independence) their objective necessarily becomes subordination state to Commie purposes and ruthless extermination not only opposition groups but all elements suspected even slightest deviation . . . . It must of course be conceded theoretical possibility exists estab National Communist state on pattern Yugoslavia in any area beyond reach Soviet army. However, US attitude cld take acct such possiblity only if every other possible avenue closed to preservation area from Kremlin control. Moreover, while Vietnam out of reach Soviet army, it will doubtless be by no means out of reach Chi Commie hatchet men and armed forces.[18]

The dominoes continued poised in such crucial documents as the National Security Council policy statement of June 25, 1952 and the National Security Action Memorandum 288, March 17, 1964, which was for the Johnson Administration the seminal statement of American objectives in Vietnam. One must emphasize that on dominoes there was no great gap between public and private justifications of the war. Dominoes were the very icons of the faith. (On many other matters, by contrast, the communications gap can be traced very easily in the Pentagon Papers; one of the staff exercises was to produce a lengthy compilation of "Justification of the War—Public Statements" that are appended to both Gravel and Hébert.)

Eisenhower and the Dulleses: Pushing a Plank out beyond the Brink

Important information not previously in the public domain, I believe, at least not in such reliable detail, is the Pentagon Papers' tracing of the way the Eisenhower Administration backed away from favoring American military intervention in Vietnam in the spring of 1954. Diem's appointment as premier remains obscure in this connection, but we do observe that toward the end of the spring not many insiders were still hoping the Geneva negotiations would break down, in order to have renewed excuse for "united action." Even Foster Dulles saw the deterioration of the military situation in Vietnam as requiring a much bigger U.S. presence in June than he had thought in March it would require, and was sobered by it.[19] And by July, French premier Mendès-France felt a need to plead for assurances of American participation in a collective military guarantee of the three non-Communist states of a post-Geneva Indochina.[20] So the blame is not only America's for the loopholes in the Geneva agreements which made possible the SEATO treaty less than two months later, with its openended coverage of the "protocol states."

Nor was only the United States to blame for the selection of the 17th parallel as the demarcation line. In my own view this decision was one of the most fatal ever made about Vietnam. It vastly overextended the predictably shaky anti-Communist regime. The geographical limits of French military success showed clearly that the Viet Minh were accurate in seeking the 13th parallel as the realistic line if any line running merely east-west were to be drawn. In the eyes of those opposing the Viet Minh, a line further north would indeed have the sentimental attractions of Hué and the strategic attractions of an east-west highway and Tourane (Da Nang) and the symbolic attractions of at least a half-and-half split of the country; but one could dismiss the idea that it would help in controlling elections (they could not be won anyway, at least not within any time-span worth considering currently important) or in providing essential military manpower in case of renewal of hostilities (the need to defend the greater territory would offset that). Yet the Pentagon Papers indicate that political-military calculation about these matters was very limited on the part of both French and Americans; that the initially decisive influence was that of the French military, backed when partition began to seem inevitable by the American military; and that the motivation of both was simplistically and pridefully to yield as little territory as possible to the enemy.[21] This tradition was long established when we find Westmoreland a decade and a half later priding himself on defending the outermost frontiers of South Vietnam (however artificial they might be.) Nixon finally settled for less.

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[16] *The Pentagon Papers as Published by The New York Times,* p. xiii.

[17] Maxwell D. Taylor, *Swords and Plowshares* (New York: W. W. Norton, 1972), p. 401. Taylor's memoir exhibits repeated strong concern about this lag. See, for example, pp. 362, 400, and the concluding chapter.

[18] Hébert, Book 1, I-C, pp. 45–46.

[19] For example: Gravel, I, 131–132, 167, 524.

[20] Gravel, I, 553, 557.

It is relevant that in the same (Geneva Conference) period the American government was pressing the French to insist on freedom of movement of population from the North and was already stimulating the organization of such movement en masse. So the anti-Communist proportion of the population of South Vietnam was bound to grow in the immediate future. But whether it could be a decisively large proportion might depend on how large an indigenous population was contained within the new demarcated zone. Yet this link was not made or pressed by American policy makers.

To what extent were they bemused by the possibility that elections might actually be held to unify Vietnam—hence that the population balance to be considered should be that in all Vietnam, not just in a rump South? Undoubtedly there was some confusion among the Americans about the elections, enough to lead the Pentagon Papers analysts themselves astray I think. The narrative argues that even a formal NSC policy statement of mid-August approved by President Eisenhower declaring an objective " 'to prevent a Communist victory through all-Vietnam elections' did *not* connote American intention to subvert the accords [if the statement is] read in context."[22] But part of the proper context was not just ideological qualms and legalistic quibbles about whether free elections could ever be possible under Hanoi but also much more tangible considerations which appear elsewhere in the Papers. Dulles had been pressing on the French the view that supervision of the elections to be effective should be exercised by the United Nations (where U.S. influence still predominated); this view was formally (though indirectly) recorded in the official public American statement of reservations when the Geneva agreements were announced; Dulles was convinced that the actual International Control Commission "would be impotent in supervising the elections in any case"; he had also been urging Mendès-France that it was "important that no date should be set now" for elections and "important that they should be only held as long after cease-fire agreement as possible."[23] Nevertheless at Geneva an interval of only two years was specified and only ICC supervision set; it is hard to believe that Dulles did not intend to subvert election agreements of that kind, insofar as might be necessary and feasible for the basic objective that was affirmed by Eisenhower in the August NSC statement as being "to maintain a friendly non-Communist South Vietnam." Yet there remained a fuzzy unwillingness to base policy planning on a clear recognition that acceptable elections could not *eventually* be held. In that sense some ideological Dullesian *long-term* rollback thinking, with attendant current concern to maximize population within South Vietnam's borders rather than to optimize the current political balance within them, may indeed have contributed support to the military's prideful overextension of territory.

The two-year deadline itself was not accepted as a dooming constraint on U.S. policy. The Dulles brothers pushed rapidly for "political action" in Vietnam.[24] The American participants approved Saigon's determination to make its writ run firmly throughout the South. Ultimately this "nation-building" centralism was counterproductive, though while Foster Dulles lived the superficial evidence was broadly of "miraculous" success. Indicators pointing to future trouble were long neglected, for example, the American military's ability to avoid being pushed into altering its conventional-war emphasis in training the Vietnamese (Foster Dulles had wanted an internal-security emphasis), and the Saigon government's increasing ability to avoid uncongenial American "leverage." (Both developments were actually interpreted favorably by many of the American officials.)

Kennedy: out on the Plank Groping for Leverage

On the leverage question, especially for a later period, Gelb has these interesting observations:

> If U.S. force commitments and the record of GVN non-performance reflect the failure of leverage, what does the record tell us about how leverage could be made to work? Regrettably, the record tells us nothing about that; it merely shows that everything we tried went wrong. As noted, attempts at leverage on GVN

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[21] Gravel, I, 136, 531–535, 540–542.

[22] Gravel, I, 177, 245, 287.

[23] Gravel, I, 162, 247, 546–547, 569. There is no convincing evidence that Dulles's undoubted faith in the long-run popularity of non-Communist regimes meant that he expected it to be prevalent in Vietnam as soon as 1956. And the futile dickering with Diem in 1955 to hold pre-election talks with the North was clearly for propaganda only. Gravel, I, 239, 287.

[24] The most strikingly detailed elaboration of American undercover activities by 1961 in Southeast Asia is Gravel, II, 640–649.

were seldom thought through and studied carefully. One searches in vain for studies, memoranda, or widespread discussion of alternative techniques for leverage and of what our experience shows about how they might work. Pressures against the North, whose results have disappointed us, were a model of planning, foresight, and detailed consideration compared to the subject of pressures on GVN. Yet GVN's failure was the heart of our policy problem throughout the [1964–67] period, as many feel it still is.[25]

"Leverage" in this sense, one should note, refers especially to getting particular Saigon authorities to act as Americans wished, to be energetic about reforms and the war. Getting the particular authorities replaced by others was usually not so difficult; "leverage" could then be attempted afresh. The Pentagon Papers understate the American role in top regime changes after Diem; here, as usual in the Papers, Vietnamese politics and CIA covert operations get insufficient attention. (About leverage I have also noted that in 1971 continuing Administration inhibitions about providing details contributed to making that subject one of those most prominently deleted from the Hébert edition of the Pentagon Papers themselves.)

The classically messy case of leverage in the broad sense was of course the overthrow of Diem. This one the Papers themselves do analyze, at length in the Gravel edition. Although most of the essentials have long been known from other sources, the details are morbidly fascinating. Most striking to me is the documents' evidence of the much greater advance concern of Ambassador Lodge in Saigon and of McGeorge Bundy (for the President) in Washington about saving the lives of the coup leaders if the coup failed than about saving the lives of Diem and his family if the coup succeeded.[26] Lodge's famous cold response to Diem's telephoned appeal during the coup was evidently part of a pattern, so much so that top Americans must share some responsibility for the murders as well as for the coup itself.

On the whole, the Kennedy Administration gets off more lightly than it probably deserves in the Pentagon Papers. Gelb's "Summary and Analysis" on Kennedy 1961 is curiously perfunctory compared with almost all his others. The narrative provides its own self-criticism yet still refuses to criticize Kennedy fundamentally:

> In a most important sense, [the focus] distorts the story told in this account. For the account inevitably devotes a great deal of space to the decision that was not made—that of sending ground troops—and very little space to the important decisions that *were* made There is simply nothing much to say about these latter decisions: except that they were apparently taken for granted at the time. Even today, with all the hindsight available, it is hard to imagine Kennedy or any other President responding to the situation faced in 1961 by doing significantly less about Vietnam than he did. The only choices seen then, as indeed even today the only choices seem to have been, whether to do more. . . . To have simply given up on Vietnam at that point, before any major effort had been attempted to at least see if the situation could be saved at reasonable cost, seems to have been, even with the hindsight we now have, essentially out of the question.[27]

The authors even take the gestures toward "Phased Withdrawal of U.S. Forces, 1962–1964" seriously enough to write a monograph about it, with Gelb concluding that "it was a good policy that was being reasonably well executed," just not sufficiently "determined" or "borne of deep conviction" to withstand "the rush of events" after Diem's overthrow.[28]

By contrast the fade-out image of Eisenhower had him rather fiercely pressing President-elect Kennedy for American military intervention in Laos, unilateral if necessary.[29] Yet when Kennedy in 1961–62 (like Eisenhower in 1954–55) chose to yield some Indochina territory moderately, he (again like the earlier Eisenhower) only proceeded to dig himself in deeper in the rest.

Johnson: Leaping in the Dark

The hole was Johnson's to inherit. The Pentagon Papers are at their very best in covering the years 1964–65. Here indeed there is no other account which comes close to matching the Papers with the exception of David Halberstam's *The Best and the Brightest;* he had the Papers to work with and could supplement them with interviews, which were barred throughout to Gelb's team by McNamara's directive. A further necessary supplement is Lyndon Johnson's own account, however tendentious. And analytically the later articles by Ellsberg and Gelb are indispensable.[30] But as narrative history of Vietnam policy 1964–65, nothing seems likely to surpass the Pentagon Papers until more archives are open. *The New York Times* editors were right in terms of quality as well as reader-interest when they altered chronology in their initial newspaper serialization to present this section first, before the Nixon Administration might manage to block their publication of the remainder.

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[25] Gravel, II, 280. Cf. Gravel, II, 414–415. One reason why Gelb and his associates found this search vain may have been the restrictions on their access to the files of CIA (see footnote 2 above); but Gelb himself does not draw the connection.

[26] Gravel, II, 791–793.

[27] Gravel, II, 51, 103. Cf. Gravel, II, 18, 23.

[28] Gravel, II, 165.

[29] Gravel, II, 635–637.

[30] David Halberstam, *The Best and the Brightest* (New York: Random House, 1972). Lyndon Johnson, *The Vantage Point: Perspectives of the Presidency, 1963-1969.* Leslie H. Gelb, "Vietnam: The System Worked," *Foreign Policy,* 3 (Summer, 1971), 140–167; "The Pentagon Papers and The Vantage Point;" "The Essential Domino: American Politics and Vietnam," *Foreign Affairs,* 30 (April, 1972), 459–475. Daniel Ellsberg, "The Quagmire Myth and the Stalemate Machine," *Public Policy,* 19 (Spring 1971), 217-274, supplemented by Ellsberg, *Papers on the War* (New York: Simon and Schuster, 1972), pp. 124–125, 132–135. Also worth mentioning in this galaxy is James C. Thomson, Jr., "How Could Vietnam Happen? An Autopsy," *Atlantic Monthly,* April 1968, pp. 47-53.

The riches are so great that identifying a few seems arbitrary; but I will first cite an item not often remarked. The overthrow of Khrushchev by Brezhnev and Kosygin coincided with Johnson's re-election and the stepped-up Administration planning for major escalation. The new Kremlin team showed much more interest in warning America about Vietnam than Khrushchev had done (though this new Soviet posture may have been mostly a reaction to Washington's own escalatory mood—even Khrushchev had been vehement about Tonkin Gulf). In any case, the Administration's prevailing response was set from the beginning for years to come: to welcome the Russian presence as a supposed antidote to Chinese malignity.[31] No matter how many supplies the Russians gave Hanoi and the NLF, of advanced types that only the Russians could supply, to nullify the American conventional-weapons superiority, Washington continued to pray to Moscow as *deus ex machina* to help end the war on American terms. Later the Nixon Administration would bigamously court China to the same end—and perhaps decisively in such success as Nixon achieved in Indochina by 1973. But the entire performance and its remarkably quiet acceptance for eight years by an American public that was at the time still considered rather strongly anti-Communist and anti-appeasement is to me one of the underemphasized features of the war. I must add that the published volumes of the Pentagon Papers do not bother to emphasize it either.

On General Westmoreland's ground war, the Pentagon Papers treatment is good on the whole, though somewhat unreadable because of overquoting of documents; the effect is to blur Westmoreland's own role a little; his official history should be read as a supplement.[32] On the crucial question of what the early anticipations were about ultimate incremental troop requirements, the Papers are inconclusive because of Johnson's secretiveness, but the issues of interpretation are well drawn.[33] There is appropriate emphasis on how presidential resistance to calling up the reserves was the basic limitation on full execution of the ground strategy (attrition), yet how the strategy persisted nonetheless year after year while the JCS and Westmoreland pressed Johnson to relent to the extent of adding a quarter-million more men than could be obtained through selective service and volunteering. The climax of course was Tet 1968, when the JCS prodded Westmoreland to join them in using the crisis as an excuse to try again to get Johnson to relent. But this time they found their gambit not just unsuccessful again but counterproductive, because of the trauma of Tet in America and because the gambit leaked to the press (a leak of far greater historical importance than that of the Pentagon Papers themselves three years later). In this situation Johnson's actual response was to replace Westmoreland, de-escalate, and soon abdicate.[34]

The air war even more than the ground war was the focus of critical agitation within the Administration and the outer public. And the Pentagon Papers treatment of the air war, even more than of the ground war, emerges as a brief for the opposition. When I first read it, I found its argument congenial, thorough, and persuasive, though overdocumented and surprisingly marred (as almost nowhere else in the Pentagon Papers) by occasional polemics and sarcasm.[35]

The ensuing events of 1972, however, reopen the whole question of the air war in Vietnam, except for the important considerations of legality, ethics, and American politics. In sheer *Machtpolitik* the U.S. Air Force and Naval Air are bound to get another hearing for the constant claim in the earlier years that the leash upon them in the North was too tight, held by men too fearful of Russia and China, and also for the early inclination (muted by interservice solidarity) to feel they could cope without so many U.S. Army troops in the South. About the South, one can probably still rebut with confidence that Westmoreland's lack of short-run trust in Vietnamization had left ARVN so weak that the American air forces could not have coped previously, with only ARVN and a few American troops to support, as they did in the spring of 1972. But about the North? about Moscow, Peking, and Hanoi? Were Ho Chi Minh's death and the Nixon Administration's tactics of concilating Mao, economically courting Moscow, and accepting "leopard spots" in the South all four necessary preconditions for the successful culmination that seemed to be reached by harbor-mining and some rather relentless bombing? I have in mind particularly a success through precipitating Russian decisions to limit resupply of North Vietnam. My own present view is that at least the acceptance of "leopard spots" was a necessary precondition. And the future of South Vietnam still remained cloudy. Bombing at most achieved compromise, not victory—not the Johnson Administration's war aims—though it may have accomplished more than the Pentagon Papers and other critics thought it could without gravely provoking Moscow and Peking. Yet there remains the possibility that, even without being punctuated by mining and bombing, a timely "leopard spot" compromise offer might have sufficed to gain a cease-fire; indeed bombing the North may have caused years of delay.[36] So the long debate about the bombing is likely to continue a lot longer.

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[31] Gravel, III, 266–267, 300–303.

[32] See footnote 8.

[33] Gravel, IV, 320. See also Halberstam, pp. 594–597.

[34] On Tet other sources are more complete than the Pentagon Papers, which were reaching the end of their documentation. See Don Oberdorfer, *Tet!* (Garden City, N.Y.: Doubleday, 1971); Townsend Hoopes, *The Limits of Intervention* (New York: David McKay, 1969).

[35] For example, Gravel, IV, 193, 231, 235.

"Leopard Spots" Finally?

It is clear from the Pentagon Papers that the "leopard spot" solution and its nearest equivalent, the "Laotian" solution, received extremely short shrift throughout the Johnson Administration; indeed in the shape which the solution had taken de facto in Laos (where the virtual partition behind a pseudo-coalition facade, arranged in 1962, became stiffened by the continued presence of Hanoi's forces), the applicability of this model to South Vietnam was almost ignored. On the inside of the Johnson Administration as on the outside, the basic compromise solution that was regularly presented (and promptly rejected on the inside as amounting to defeat) was one or another variant of a coalition government that would actually be expected to govern. I myself happen to be one of the few who instead always since 1965 advocated variants on repartition: (a) "leopard spots," (b) a "Burmese" solution, (c) a kind of "Laotian" solution that would include North Vietnamese stiffening, and (d) my own strong preference throughout: a formal repartition of the South ceding very wide territory to the North and exchanging populations (thus incidentally undoing the overextension of 1954). Consequently I was intrigued to find in the Papers just how taboo all such thinking was; but I was scarcely surprised. What did surprise me was to find some of it surfacing in the Nixon Administration in 1972. We still have no "Nixon/Kissinger Papers" to tell us how it emerged.[37] Yet finally the experiment was begun. Its chances of success might have been better a long time before. Even at that late date they might have improved if the President of South Vietnam and the American mission in Saigon ever genuinely (and cautiously) subscribed to the experiment. I doubt they ever did.

I would conclude that the ideological preoccupation of Americans since World War II with recapturing Vietnamese nationalism blinded them throughout to the usefulness of indigenous particularism and separatism. Notably it took the overthrow of Diem to get the Cao Dai and the Hoa Hao and the Montagnards to be accepted as anything more than contemptible "feudal" relics; treated under Diem as enemies, they had responded as such. The local accommodations between most of them and Saigon in the mid-sixties were almost the only positive political achievements of that period in South Vietnam. Yet characteristic of American attitudes is the neglect of this development even in the Pentagon Papers themselves. Did a rather significant possibility once exist that social revolutionary communism could be similarly localistic in South Vietnam, at least for enough years to soften the harshness of any eventual takeover of the whole country? A possibility sufficiently great that American intervention conforming with ideological concern for the well-being of anti-Communist Vietnamese could have occurred in some period after 1953 and yet never have escalated more than to give all sides a chance to preserve their separate roots in the countryside and various cities?

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[36] By 1971 at least, North Vietnam wanted not just "leopard spots" but an easing out of Thieu personally from the presidency of South Vietnam. Prima facie, a face-saving way to get him out would have been to have him defeated by some other anti-Communist in the election of 1971. But for Americans to arrange this thrust against the entrenched Thieu might have required shaking the Saigon governmental apparatus so severely that it might have become too unstuck to be put together by his successor for a continued political or military confrontation with the NLF. Thus a "Diem overthrow" syndrome became salient; remembering 1963-64, the prospect of getting Thieu out via the 1971 election attracted Hanoi and repelled official Washington. The opportunity, such as it was, was allowed to pass. In 1972-73 additional military coercion was required to make "leopard spots" the virtually self-sufficient basis of the final settlement between Washington and Hanoi.

[37] Two principal unofficial accounts are now available. They are written by highly competent journalists and based on elaborate interviewing. But without directly confronting one another, they differ so markedly on this subject that one cannot with confidence choose between them or reconcile them. Yet neither author would put an earlier date than late summer 1970 on a private willingness of the Nixon Administration to accept a permanent North Vietnamese military presence in South Vietnam. In other words, the trauma of the Cambodian incursion, at least, was the precondition for the Administration to be willing to make this concession. Tad Szulc, "How Kissinger Did It: Behind the Vietnam Cease-Fire Agreement," *Foreign Policy*, 15 (Summer, 1974), 21-69; Marvin Kalb and Bernard Kalb, *Kissinger* (Boston: Little, Brown, 1974), pp. 172-176, 179-185, 299-305, 311, 338-339, 356-359, 372-377, 388-391, 411-415, 421-422. The Nixon Administration's official account is Richard Nixon, *U.S. Foreign Policy for the 1970's: Shaping a Durable Peace: A Report to the Congress*, 4 (May 3, 1973), 42-66.

That problem was not what engaged the attention of either the actors or the authors of the Pentagon Papers. (If it had, many of them would have been repelled by such an "anachronistic, feudalistic, divide-and-rule, 'French' neo-colonial mentality.")

After 1972, the problem did come partly to the fore—gravely distorted by Thieu's precipitous leaps toward one extreme in 1973 and toward the opposite in 1975. Having scrutinized intimately so many other approaches and so many other failures, we can hope that at least we will some day get a classic report on this one also.

Appendix

The portions of the narrative analyses that are included in Hébert but not in Gravel.

(a) In Hébert Book 1, in I.B, pages 9-68 constitute a routine history of Vietnamese party politics up to 1949, enlivened by two fairly interesting reports by U.S. official observers in the 1945–49 period (pages 43–47 and 63–65), including evidence of early American mistrust of Viet Minh overtures.

(b) In Hébert Book 1, in I.C, pages 8–104 deal with relations between the U.S. and Ho Chi Minh prior to 1950; pages 58–104 are valuable documents of Ho Chi Minh's overtures 1945–46, and pages 41–47 of persistent U.S. suspicious antipathy.

(c) In Hébert Book 1, the whole of III is evidently a drastic revision of the draft contained in 1 Gravel 108–178, on the Geneva Conference 1954. The Hébert version is much the more analytical; on the other hand, Gravel's seems more revealing in historical detail. Specialists will want to read both.

(d) In Hébert Book 1, in IV.A, pages 1–51 are a routine comparison of NATO and SEATO.

(e) In Hébert Book 2, in IV.A, section 4 constitutes a fine critique of the American training of the South Vietnam army 1954–59.

(f) In Hébert Book 2, in IV.A, section 5, Tab 1, pages 11–33 contain some interesting details on Vietnam 1954–56, especially about population movement between the two zones and about military reorganization in each of them.

(g) In Hébert Book 2, in IV.A, section 5, Tab 3, pages 1–71 on "Hanoi and the Insurgency in South Vietnam [1954–60]" are worth reading as a detailed indictment of Hanoi but not as a balanced or complete account of the events.

(h) In Hébert Book 2, in IV.A, section 5, Tab 4, pages 1–99 on "U.S. Perceptions of the Insurgency, 1954–1960" are almost entirely documentary; the analyst saw his role as selecting passages from secret official papers and interconnecting them; the result is somewhat skeletal but often rewarding.

(i) In Hébert Book 4, in IV.C, section 2(b), pages 1–24 should be matched with 3 Gravel 182–192. The subject is the Tonkin Gulf affair. Gravel has numerous omissions, presumably inadvertent errors in the xeroxing; Hébert has some apparently deliberate deletions. (See footnote 3.)

(j) In Hébert Book 4, in IV.C, section 2(b), right after p. 42 there appear separately numbered pages 1–6 that contain an interesting "Draft Resolution on Southeast Asia" dated May 25, 1964, almost three months before Congress was asked to act in the Tonkin Gulf context.

(k) In Hébert Book 7, in IV.C, section 10 is a "Statistical Survey of the War, North and South: 1966–1967," cleverly charted (especially if one can give credence to the data) and revealing at least of Pentagon perspectives.

All the above items are from Hébert books comprising narrative analyses by the Pentagon Papers professional staff. Gravel regularly omits the citation footnotes that are sometimes included in these narrative analyses as exhibited in Hébert; only rarely is the absence of a footnote troublesome, however, and then of course Hébert can be consulted. (Footnotes not published in Hébert can now be purchased from the Office of General Counsel, Department of Defense, Washington, D. C. 20301.)

The portions of the document compilations that are included in Hébert but not in Gravel.

Much more serious is the omission from Gravel of very many documents that are available in Hébert. In Hébert, documents as such are collected in books separate from the narrative analyses; in Gravel they are arranged chronologically and conveniently in volumes containing the narrative analyses of the respective periods. But Hébert does have many more of the documents, especially from the early years, and the researcher can identify them without great inconvenience by consulting the annotated listings titled "Contents and Chronological List of Documents" that are interspersed in Hébert books 7–11 in front of each large section of documents; these lists give a several-lines summary of each document in the section. My list of the sections that contain documents not in Gravel follows: (Of course Gravel, like Hébert, does have parts of many of these documents quoted within the narrative analyses themselves.)

(a) In Hébert Book 7, in V.B, section 1, pages 1–72 comprise the full set of Franklin Roosevelt administration documents.

(b) In Hébert Book 8, in V.B, section 2, pages 1–281 comprise the full set of documents from the Truman administration through February 18, 1950, and pages 282–539 comprise 64 documents from the period 2/27/50 through 12/22/52 of which Gravel has 14 in its documents section.

(c) In Hébert Book 9, throughout, there are 317 documents (1/15/53 through 7/21/54) of which Gravel has 80 in its documents section.

(d) In Hébert Book 10, throughout, there are 132 documents (7/30/54 through 1/19/61) of which Gravel has only 2 in its documents section.

(e) In Hébert Book 11, throughout, and part of Book 12, there are 87 documents of the Kennedy years (2/3/61 through 10/30/63). Gravel has 58 for this period; but they do include many deleted from Hébert, especially about the activities of CIA and about Diem's overthrow.

The portions of the document compilations that are included in Gravel but not in Hébert.

It becomes pertinent to itemize also the documents that Gravel has but Hébert does not. To the researcher working from Gravel, this list may be helpful for tracing Administration sensitivities in 1971; for one who chooses to work from Hébert, it would be even more important as a checklist for supplements.

(a) In 1 Gravel 347–583, *passim*, for the period through 1960, documents with the following Gravel numbers do not appear in Hébert's document books: 14, 26 (Enclosure A), 38, 53, 66, 80 (most of it), 83, 84, 95.

(b) In 2 Gravel 624–793, *passim*, for the Kennedy years, documents with the following Gravel numbers do not appear in Hébert's document books: 98, 100, 101, 103, 104, 117, 120, 124, 127, 128, 129, 132, 133, 134, 138, 141, 144, 145, 150, 151, 153, 154. (150 and 153 are the same, by mistake.)

(c) In 2 Gravel 624–793 and in 3 Gravel 486–706 and in 4 Gravel 605–625, all three *passim*, 110 documents appear from the Johnson years. Hébert does not include any documents dating after the Kennedy era in its document volumes. However, both Hébert and Gravel present very many as parts of the narrative analyses of the Johnson period; indeed beyond January 1965 these narrative analyses become difficult to read because of their load of documents strung together largely to tell their own story.

A considerable part of the post-Kennedy compilation which Gravel, but not Hébert, presents in document sections consists of the extra documents that *The New York Times* obtained and printed which were not part of the original studies as such. Since the sources are unclear, Gravel simply gives acknowledgment to *The Times.*

Time on the Cross: Two Views*

I.

This dramatic report recalls Valery's remark: "no 'truth' without passion, without error." Serious readers should not be put off by its thematic opening sentence: "The years of black enslavement and the Civil War in which they terminated were our nation's time on the cross" (1:3). For the authors could not mean that the U.S. entered a moral heaven once the Grant era began. Or that it has been sheer hell since slavery ended. Their phrasing (here as elsewhere) only reflects the passions aroused by the agonizing blight of slavery—passions that still tend to engulf mere analysis.

The authors have created a work of intensely focused scholarship. They surveyed nearly every conceivably relevant study. They sent forth legions of assistants to develop new bodies of data. (Presumably some returned alive. But not with tables of results that appear, even in simple summary.) Future historians of slavery will have to reckon with their insights—as surely as with those of Cairnes, Olmstead, Phillips, Frazier, or Stampp. But new conclusions on the economics of slavery which they have added to the extensive scholarship of the past 30 years are an uncertain gift. For the econometric work on which these conclusions rest is inadequate, despite its panoply of algebra.

Fogel and Engerman orient their readers by signalling their 10 "principal corrections of the traditional characterization of the slave economy" (1:4). No scholars are cited as ever accepting such a characterization. (Few could have done so after the penetrating, if modest, studies by Lewis Gray in 1933 and Robert Smith in 1940.) But what are these corrections? And how powerful is the course of argument? We consider, in turn, the most cogent of their corrections, leaving for last No. 4, their most striking and novel.

> "1–3. Slavery was not a system irrationally kept in existence by plantation owners who failed to perceive or were indifferent to their economic interests . . . it was not economically moribund on the eve of the Civil War . . . slave-owners were not becoming pessimistic about the future of their system during the decade that preceded the Civil War."

That investing in slaves was profitable was contended by such early apologists as Ruffin and McDuffie. Harper called them "a safe and profitable method offered to everyone who had capital to dispose of." Slaves, moreover, yielded a money return as great as competitive investments did. That conclusion was demonstrated in 1958–62 by the classic, elegant analysis of Conrad and Meyer, by Evans and Yasuba. Fogel and Engerman review these studies, using new data, acute analysis. Tightening here, adjusting there, with a dazzling reach of reference, care and insight, they confirm the key findings of these authors.

> "5. The typical slave field hand was not lazy, inept unproductive . . . he was harder working and more efficient than his white counterpart."

If Fogel and Engerman assume that the slave was "more efficient" than his white counterpart (in correction No. 5), one may well wonder why they assume (in No. 4) that he was equally efficient. Fogel and Engerman here focus on the pseudogenetic theories held by slaveholders. But most scholarly discussion of slaves as workers has, instead, dealt with how human beings worked as slaves. Now it is hard to believe that slaves gave their all for "old massa." (What old massa, his overseer and his drivers, sought is another matter.) And, indeed, wage-rate data for free and slave farm workers in the South tell us that those who hired slaves did judge them to be less productive than free labor. (The well-known time study by Parker and Klein confirms the lower efficiency of slave labor.) To repeat, the issue is productivity—which has much to do with the social system within which labor is utilized, and less to do with "inherent" human ability.

> "8. The material (not psychological) condition of the lives of slaves compared favorably with those of free industrial workers. This is not to say they were good by modern standards. It merely emphasizes the hard lot of all workers . . . free or slave, during the first half of the nineteenth century."

That conditions of life were fully as bad for factory workers as slaves was argued by Dew and McDuffie (for the slaveholders), by Orestes Brownson (for the Utopian socialists), and by some vulgar Marxists more recently. Fogel and Engerman add to this debate their measurement of slave consumption of particular food items, plus the value of slave housing, clothing, etc. They sum up the value of these items as $61 a year for slave field hands in 1860 and $48 in 1850 (2:79, 1:151, 2:117).

Unfortunately, neither estimate is compared with one for free workers—at any period. Had the authors done so, the reader might have discovered that (a) $61 of total consumption per adult male plantation slave compares with (b) $110 worth of food alone for the typical free farm worker. (The latter figure can be inferred from

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* *Time on the Cross: The Economics of American Negro Slavery* and *Time on the Cross: Evidence and Methods, a supplement*. By Robert William Fogel and Stanley L. Engerman. (Boston, Mass.: Little, Brown and Company, 1974. Vol. I: Pp. 286. $8.95. Vol. II: Pp. 267. $12.50.)

1860 census data.) Their ingenious food intake study cogently refutes a recent thesis that slave owners intentionally fed workers too little protein. (However, their food dollar omits the value of coffee and tea consumed by free workers—because they provide no calories [2:117]. Altogether, they pretty much ignore these plus other items that made up half the cost of a free worker's diet.) They estimate antebellum slave housing and clothing as 46.5 per cent of the value of his food. Why 46.5 per cent? Because that was the ratio for some low income Massachusetts workers in 1875 (2:117). Perhaps that reason deserves rereading. (Yet, expenditure data do exist in the many plantation records to which they allude repeatedly, and which their assistants searched.)

> "9. Slaves were exploited. . . . However, the rate of expropriation was much lower than has generally been presumed. Over the course of his lifetime the typical slave field hand received about 90% of the income he produced."

Would the reader recognize from these statements that the typical slave field hand received back (in food, clothing, etc.) only 23 per cent of every dollar he produced? (Data in these volumes —2:79—lead to that ratio.) Would he understand that slave owners could actually have hired out their field hands, taken every cent of their wages, made certain they got neither food nor clothing—and this analysis would still conclude the slaves had "received about 90 per cent"? For Fogel and Engerman combine income and asset analysis: as late as the age of 26, the slave still "owes" his master for his master's investment in the slave's childhood food and clothing. They find that the slave's earnings do not accumulate to cancel that debt until the age of 27 (1:153).

Even on these terms, however, the judgment is obscure. For a graph in one volume indicates that an adult male produced about $100 a year (net) in 1850, while a production function in the other implies he produced $215 a year (net) in 1860 (1:74, 2:79). No known changes in hire rates, cotton prices and productivity 1850–60 could account for so vast a difference. Since simple, pedestrian tables of data are not presented in the methodology volume, this inconsistency remains a mystery.

But surely the most striking conclusion, backed by the most formidable analytic apparatus, is No. 4:

> "4. Southern slave agriculture (was) 35 percent more efficient than the northern system of family farming."

This major conclusion unquestionably differs from the findings of all other scholars. It is striking. And it is incorrect. Six econometric errors have created it. We note four below:

(a) Fogel and Engerman conclude that the South could produce 35 per cent more farm output than the North from an equivalent amount of labor, land plus capital input. How do they measure these inputs? When estimating labor input they simply assume that free and slave labor were equivalent, man for man (2:131–132). Yet that assumption is contradicted by the fact that Southern (typically slave) farm labor was hired for less than Northern farm labor in both 1850 and 1860. Slave owners charged the full marginal product when hiring out slave labor, at least as surely as free labor did. Moreover, Fogel and Engerman's production function can estimate efficiency only by assuming that market prices of inputs do measure their productivity. Thus, when the authors assume equality of northern and southern labor input their assumption flies in the face of these relevant hiring rates. (It is even challenged by their own technique on a later page: they estimate that female slaves provided less input than male slaves—because their hiring rates differed [2:136, 138].)

(b) To estimate capital inputs they simply assumed that capital earned 10 per cent on both northern and southern farms. No basis whatever is offered for that critical assumption.

(c) Ironically, the dustjacket pictures slaves in a cornfield. But the authors do not deal with the basic statistical study comparing the efficiency of free and slave labor when producing corn—the South's second crop in value. Yet Parker and Klein have shown that slaves produced only half as much corn per man per year as free labor. (Moreover, given the competitive market that Fogel and Engerman assume, slaveowners surely did not devote so much labor to producing corn inefficiently if they could have produced other crops more efficiently than Northern labor.)

(d) To estimate labor input, the authors assume that free and slave labor were equivalent inputs. But when estimating land input they implicitly assume quite the contrary. For they estimate that northern land was more productive than southern in proportion to its higher value per acre (2:136). That assumption, however, drags a corollary in its wake. For the value of improved land (on which crops were grown) was the sum of two items: (1) the cost of improving that land, plus (2) its site value. Now, it cost much less to improve land in the South than in the North because labor hire rates were lower. (And improvement cost accounted for the bulk of land value.) Therefore, Fogel and Engerman's estimate of southern land input will be proportionately lower. In sum, their estimate for labor inputs assumes that slave labor equaled free labor in productivity, but their estimate for land inputs assumes quite the opposite. Such inconsistent input assumptions are not going to yield largely useful productivity comparisons.

Other striking discoveries are reported. They sparkle improbably amid those sensible and straightforward pages on which Fogel and Engerman summarize existing knowledge. We note 3 of the more important ones.

(1.) The "pecuniary income actually received by a prime field hand was roughly 15% greater than the income he would have received for his labor as a free agricultural worker" (1: 239).

This conclusion is labeled a "paradoxical finding." It is not. It is an erroneous one. The estimates imply that free agricultural workers in the South earned only $4.49 a month (2:158–160). If so, why didn't those *free* South workers flee across the Ohio river? For they could have earned more than $15 a month in Ohio (according to the 1860 Census data). And they could have earned still more in "Egypt"—that Southern end of Illinois, so conformable to the South in climate and manners. Why did they resign themselves to earning less than slaves?

The answer is that they did not. The paradox is created by the use of a mysterious "58 per cent" (2:158). To compute factor shares from a production function as they do indeed requires only simple arithmetic. But if the arithmetic is to make economic sense each factor should have a known price in a competitive market. Do Fogel and Engerman have such prices? Obviously not. They computed factor shares by first guessing a 10 per cent rate of return to capital, and an unspecified rate for land—which then left them with a residual share for labor. But there is no reason to prefer this arbitrary procedure to another. The other would use the actual market wage for labor and the same unspecified rate for land and would conclude (in an equally arbitrary fashion) with a residual share for capital. Had the reader been given both he would have seen how sharply conclusions on free-slave earnings differ when one arbitrary choice is pursued rather than the other. The "paradox" results from their choice of initial arbitrary assumptions. Its consequences are then amplified by each successive simple algebraic manipulation.

(2.) "Available evidence indicates that about 84 per cent of the slaves engaged in the westward movement migrated with their owners. Only 127,000 slaves were sold from the east to the west over the fifty years from 1810 to 1860 . . . " (1: 48).

The reader who deciphers the book's Greek symbols will discover that this estimate rests on one key phrase (2:53): "it may be assumed that." For they assume that when planters moved west with all their slaves 50 per cent of these slaves were male. But if Fogel and Engerman had assumed not 50 per cent, but say 51 per cent they would have discovered that over 100 per cent (and not 84 per cent) of all slaves migrated with their owners. Such sensitivity to initial assumptions must create unease among those who would use the migration estimates.

(3.) "To many, the most critical aspect of the slave trade was its corrosive effect on the integrity of the slave family" (1:49). But, the authors tell us, "records which cover thousands of transactions during the years from 1804 to 1862, indicate that more than 84 per cent of all sales over the age of fourteen involved unmarried individuals . . . it is probable that about 2 per cent of the marriages of slaves involved in the westward trek were destroyed by the process of migration" (1:49).

Those concerned with "the corrosive effect" of the slave trade on the slave family may not recognize with what exquisite precision Fogel and Engerman have worded their conclusions. Readers may not for example, realize that half of slave marriages could actually have been destroyed by slave sales—yet the authors would still reach the above conclusion. (a) Their discussion computes the breakup per year. But slave marriages were exposed to destruction by sale in every year over the entire (15? 20?) year stretch they might otherwise last. The risk of a slave's marriage being broken up by sale was therefore far larger than the chance per year. (b) Their estimate applies only to interregional sales. But slaves were also sold locally. (Local sales were 5 times as numerous as interregional ones, according to the Calderhead study cited by Fogel and Engerman.) And local sales could also break up marriages. Was that "corrosive effect" nontrivial? (c) By laborious algebra, the authors somehow accomplish a strange conversion: those who entered their sequence of definitional equations as "women without children" end up as "unmarried women" (2:49–51). As a result, their estimate of how many sales broke up marriages is hardly adequate. (d) That "84 per cent of all sales over the age of 14 involved unmarried individuals" (1:49) is indeed an impressively large percentage. But it is so large because it averages two implicit ratios: (1) About 100 per cent of those "over the age of 14" but under age 20 were sold unmarried (for, according to the authors' data, 20 was the average age at marriage [2:115]). (2) A far smaller percentage of those aged 20 and over were sold unmarried—yet given the average age at marriage it was only those 20+ whose marriages could have been broken up.

The huge talent that Fogel and Engerman apply to economic issues, and their enormous assiduity, are also deployed to intuit the psychodynamics of thousands of black families under slavery. Thus they infer that "the dominant role in slave society was played by men, not women" (using occupational data and plantation accounts [1:141]); they discover that slaves were "imbued like their masters with a Protestant ethic (1:231); they surmise sexual attitudes and behavior (citing data on reported live births, [1:139]). On such issues a reviewer whose competence does not go beyond economics cannot comment, remembering the great Williamowitz's remark that "the memories of a pious childhood always lived in Plato." And E. R. Dodds's riposte—"unfortunately Plato has not told us about his childhood."

In addition to challenging the "traditional characterization" of slavery this study devotes much time to a review of slave living conditions, birth rates, interstate sales, etc. Fogel and Engerman refer to their "vast research effort involving thousands of man and computer hours." It is a pity that such enterprise has yielded so little new data for other scholars. True one finds two tables that analyze Kenneth Stampp's sources and citations. But no table gives the obviously important new slave price series. Instead, the authors offer a chart (as Phillips did half a century ago) from which one must guess whether he is inspecting a price rise or merely a spot in the paper. Hopefully the next edition of the "methods and evidence" volume will provide a few tables that report the new series that they used in producing this one—prices by age and sex; probate hiring rates; migration by state and sex; etc. And it should include variance estimates. Simple computer programs can do so readily.

No review could do justice to the verve and intensity with which they declare the triumphs of "cliometrics" and attack older scholars. Mere historians are directed to a lackluster limbo: they will at best be able to give off reflected light, as does the moon. In this instance the light is to come from econometric technique and "systematic data." Some distinguished historians have generously, but prematurely, bowed to such insistent virtue. Yet cliometricians do not generally hold that insights are readily created by stuffing a mixture of data plus guesses into equations. Indeed a dozen of them recently declared themselves unable to "offer a comprehensive model of the growth process that would admit of . . . statistical testing." They declared, further, "that economic theory's powerful lens focusses clearly on small areas, distorts the periphery" and even "hides parts of an historical scene" (L. Davis et al., *American Economic Growth* [New York: Harper & Row, 1972], pp. xv, xvi). That caution is worth emphasis in the continuing study of the more complex and dynamic aspects of the past.

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II.

These two volumes are a report on work in progress. Even if all their major findings are ultimately rejected, Professors Fogel and Engerman will have served an important purpose in crystalizing a decade of scholarship into a series of sharply stated propositions, preparing them for a highly focused scholarly examination.

My interim personal scorecard on these propositions, based upon an unusually rapid and expert series of scholarly reviews, reads as follows:

A. *True but unsurprising:*
   1. Slavery was profitable for the slave owners who had good reason to be sanguine about its institutional future if they could block external intervention.
   2. The South was, by world standards, a booming economic region.
   3. Slaves had been—and could continue to be—recruited successfully into the industrial and urban work force.

B. *Unconfirmed because of either serious analytic mistakes or the limitations of the evidence presented:*
   1. Slaves were more efficient than their farmer counterparts in the North. (The argument turns upon the remarkable profitability of cotton producers rather than the efficiency of slaves.)
   2. Over the course of his lifetime, the typical slave field hand received about 90 per cent of the income he produced.
   3. The food, shelter and clothing of slaves compared favorably with that of free workers.
   4. Sexual exploitation and whipping, however oppressive in even the smallest degree, were less salient than previous historians had believed.

C. *A contentious but vital core:*
   1. Black adults emerged from slavery accustomed to living in stable two-parent families.
   2. The manipulation of work incentives and the manpower requirements of southern society combined to encourage the training of substantial groups of slaves in artisan and management skills.

I suspect that Fogel and Engerman will be thoroughly satisfied if this vital core, and only this vital core, survives the next decade of research. Their essential point is not that slavery wasn't "so bad," or (responding to an older historiographical concern) that it would not have "faded away" without a war. They are concerned, rather, with demonstrating that the individual black, the black family, and the black community emerged from the slave state with resources sufficient to have adapted vigorously and creatively to freedom—*if* white society had allowed and encouraged such an adaptive response. White resistance to freedom, not the persistent influence of the slave experience, is the source of contemporary inequality and pain. Their final paragraph belies the intemperate attacks that have been made on their racial attitudes:

> Time on the cross did not come to an end for American blacks with the downfall of the peculiar institution. For they were held on the cross not just by the chains of slavery but also by the spikes of racism. It is one of the bitterest ironies of history that the antislavery critics who worked so hard to break these chains probably did as much as any other group, perhaps more, to fasten the spikes that have kept blacks in the agony of racial discrimination during their century of freedom. The spikes are fashioned of myths that turned diligent and efficient workers into lazy loafers and bunglers, that turned love of family into a disregard for it, that turned those who struggled for self-improvement in the only way they could into "Uncle Toms." Three hundred and fifty years on the cross are enough. It's time to reveal not only to blacks but to whites as well, that part of American history which has been kept from them—the record of black achievement under adversity (pp. 263–4).

Precisely because this vital center matters so much, its analytic problems are the most serious in the book. Fogel and Engerman, ironically, are enormously respectful of the myths which surround the historical profession. They appear to believe: (1) that while they have constructed a limited analytic argument, true historians construct "seamless webs" which reconstruct the wholeness of the past; (2) that historical images play a compelling role in shaping general views of the nature and possibilities of social action. As a result of these beliefs they spend an inordinate effort defending an analytic method which needs little defense and in correcting empirical errors in previous writings. This may be a necessary preliminary stage in the process of clearing the scholarly underbrush. In *Time On The Cross*, however, the preliminary bout often usurps the main event.

Several critics have faulted the book for presenting a cross-sectional view of slavery at one artificially constructed moment in time. The cross-sectional strategy, however, is perfectly appropriate for the presentation of an input into a social system. The fault lies at the other end. The output measure is left as a vaguely defined contemporary state of the distribution of an unspecified set of social attributes. Almost any way you choose to specify the attributes and their present state, it is highly unlikely that any variations in the input more than one hundred years ago would matter very much at all. Kenneth Stampp could be right that blacks self-consciously resisted exploitation with a pattern of studied laziness, *or* Fogel and Engerman could be right that slaves internalized a positive work ethic. The difference between the two assertions would, however, not add to the explanatory power of any description of the dynamics of the American social system. A great many analyses (see, for example, Richard Muth's treatment of housing patterns) have demonstrated that very small degrees of racial discrimination will be amplified over time into dramatically segmented and stratified social conditions. Within the probable parameters, the differences between Stampp and Fogel and Engerman would long since have been twisted unrecognizably by even a mildly racist society. In effect, the major thrust of *Time On the Cross* to establish the dominant influence of sustained postbellum racism is believable without argument or evidence—hence trite.

What is neither trite nor obvious is the way in which the social system processed the "output" of slavery in the 1860s and '70s and was (or was not) transformed in the process. Information which is irrelevant if the output point is 1974 is critical if the measurement is made at 1866 and if the purpose is to construct a dynamic model of a system through time. For this sort of model construction, however, we require measures of the variation in slave situations. The vital core of *Time on the Cross* is believable in large part because it is consistent with a developing body of postbellum scholarship on the enormous strength (in the conventional mold) of the immediate postbellum black family and the magnitude of the nineteenth century black agricultural achievement. The next step in scholarship should not have dealt with global statements about the average or typical slave but with the distribution of attributes over space, crop, or industrial types and community structures. As an organizer of research, *Time on the Cross* fails at this important juncture. It would be a pity if the wave of critical attack is directed either toward revision of the average figures or the multiplication of atypical examples. What *should* be tested is a set of dimensions and typologies to characterize the contexts in which freedman and whites interacted.

Focusing on variation and dynamic modeling would illuminate one of the most important historical debates about the limits of political action in transforming social relationships. The First Reconstruction has often been described as an excessive venture, exceeding the capabilities of both blacks and whites to absorb new demands. Its failure stemmed from a counter-reaction to an excess of radicalism. Fogel and Engerman in their posture—but not yet in their detailed scholarship—strengthen a minority dissent which urges that the problem lay in the weakness of the radical commitment to cultivate the potential of the black community. Rather than being too radical, Reconstruction was not radical enough.

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BOOK REVIEWS

Economic Foundations of Political Power. By Randall Bartlett. (New York: The Free Press, 1973. Pp. xi, 206. $8.95.)

Despite exaggerated claims to originality, this book deserves attention. It is hardly *the* pioneering attempt at a positive analysis of politics, but it is a useful addition to the rapidly expanding "public choice" bookshelf which political scientists find increasingly difficult to ignore.

Bartlett notes that there are two distinct paradigms of governmental process in modern public choice theory. The first, which we may call Wicksellian or contractarian, views government as a means or device through which individuals act collectively rather than individually. Contrary to Bartlett's charges, this approach can be positive as well as normative. Hypotheses can be derived which can be tested against observations. Many economists who have worked within this approach have perhaps not been careful enough in separating efficiency norms from positive predictions about outcomes. But the normative element need not be, and has not been in all cases, characteristic of this model.

Whether or not the contractarian model is fruitful in the predictive sense is another matter. The second paradigm may well offer more in this respect. This paradigm involves the separation of the ruled from the ruling, and analysis involves attempts to derive hypotheses concerning the behavior of those who make decisions for others. Within this general paradigm, one model subjects rulers to the constraints of periodic elections, with outcomes determined by majority voting. Bartlett acknowledges the major influence of this Downs model on his work, and he accepts Downs's vote-maximization hypothesis.

Bartlett's own contribution lies in his elaboration and extension of the Downsian model, with an emphasis on the implications of voter ignorance and uncertainty. Because voters, the ultimate consumers of public goods, must make choices among candidates and parties on less than full information, they are subject to influence through the manipulation of the information set to which they have access. Biases in this information may produce voter choices, rational within ignorance limits, which are contrary to those that might emerge under unbiased information. Governments can be predicted to bias information in systematic ways. With respect to taxation and public expenditures, Bartlett's discussion is surprisingly close to that of the Italian, Puviani, who developed the notion of "fiscal illusion" at the turn of this century. Governments will manipulate information to make voters think that taxes are less burdensome and expenditures more beneficial than unbiased assessment would indicate.

Governments, or the politicians who act as governments, are also subject to influence, however, because they must also operate under ignorance and uncertainty, both about the preferences of voters and about the effects of alternative policy actions. These politicians are, therefore, vulnerable to information manipulation by those who are affected by governmental policy. Producers' groups, which are directly affected and are small enough in number to make investment worthwhile, find it profitable to invest resources in influence. The politicians respond favorably for two reasons. First, their information is biased toward producer interests because of the distortions noted. Secondly, they may, by responding favorably to producers' interests, secure for themselves resources for financing the investment in influencing voters toward their own candidacy.

Bartlett's discussion is subject to the same limitation as that of Downs. "Government," as an entity, is treated as a monolithic party which has attained elective office. In this respect, the model applies strictly to parliamentary democracy and not nearly so well to political process of the United States variety where division of power permeates the structure.

This limitation aside, however, Bartlett deserves commendation for his willingness to face up to the implications of the self-interest assumption applied to all actors in the political process. That which emerges from his analysis is far removed from the governmental image based on the idealistic tradition. But that which we observe empirically does not seem to approach the limits of Bartlett's model, despite the descriptive relevance of several particulars. Bartlett devotes his final chapters to the possible checks imposed by ideology and information limits. He does not, unfortunately, draw the obvious constitutional implications. In recognition that rational self-interest will drive those who make public decisions, whether politicians or bureaucrats, we should try, where possible, to minimize the number and importance of "public" decisions to be made. Philosophically, anarchy is preferred over organized polity. Practically, the ordered anarchy that is made possible by a functioning market economy based on assigned private property rights enforceable under a well-designed legal structure offers the only ultimate protection against the monster that Bartlett's model describes.

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Phenomenology and Social Reality: Essays in Memory of Alfred Schutz. Edited by Maurice Natanson. (The Hague, Netherlands: Martinus Nijhoff, 1970. Pp. 306. Guilders 40.50.)

The ideas of Alfred Schutz (1899–1959) have had only halting acceptance by social scientists. For a long time his work was little known outside sociology and, where known, was often regarded as making points already familiar. Schutz—a phenomenologist and an admirer of Husserl—stood out against theories and methodologies he considered inappropriate for social science: against behaviorism, faculty psychology, depth psychology, instinctivism, and all efforts to reduce social and experiential phenomena to other orders of being. In all of this, he had many predecessors and many contemporaries—several of them better known than he. His first major work, *The Phenomenology of the Social World* (1932), provided a clarification of Max Weber's notion of social action and a phenomenological foundation for the theory that Weber had built upon it. This was obviously valuable, but it seemed to social scientists more a contribution to philosophy than an extension of scientific theory. Schutz wrote extensively on the intersubjective nature of social life, on the distinctive nature of man as a human person, and on the extent to which our experiences as persons are constructed by us through our action—and constructed especially through social relations. But he was preceded in these matters by the American pragmatists and functionalists, especially by James, Dewey, and G. H. Mead, who made more explicit than Schutz the importance of these several points for specific pieces of research. There were, of course, Schutz's essays, many of them describing the system of constructs required to conceive particular social relationships, those of a stranger, perhaps, or a homecoming. Schutz's discernment was manifest in each of these essays, but each belonged to a genre that had had many skillful practitioners.

It was not until the 1950s, and then among only a small group of sociologists, that some of Schutz's proposals came to play a central role in a scientific enterprise. The focus was Schutz's discussion of the social construction of reality. Like Husserl before him, Schutz was struck by how much we take for granted when construing our experience in everyday life. We view the world of common experience—in Husserl's term, the "life-world"—as certain, objective, directly and immediately given; as composed of properties that anyone "in his right mind" would hold to be true. Yet none of this is quite as we make it seem. The world as we experience it is constructed through our action and through the application in our current action of concepts we attained through previous action. Contingencies enter at every point in the process of construction. How, then, are we able to build up the certainties we come to hold—what Husserl and Schutz call our "natural attitude"? How is it that so many of us come to have the same natural attitude? Or—a pair of questions of particular interest to Schutz—what are the basic assumptions we make in construing things after the manner of the natural attitude, and what shall we understand to be the systematics that underlie these assumptions?

Schutz's special contribution was to see "the life-world as primarily a social world and . . . to advance its study and elucidation from the point of view of its social aspect" (p. 36). His "root originality is the illumination of mundanity" (p. 119) as construed in its relevance for action—for the behavior of individuals as human persons: as a special world defined in terms of behavioral and social time and behavioral and social space.

What happened in the 1950s was that a sociologist, Harold Garfinkel, saw two ways in which Schutz's contribution could be made to account for empirical variance and to unify existing but scattered observations. Others soon followed his lead. Garfinkel's first approach was to document the existence and importance of the mundane world through informal field experiments in which people violated the fundamental terms of mundanity. Students went into drug stores and insisted upon paying a penny or two more than the posted price for an article. They had dinner with their families, behaving as if they were boarders rather than sons and daughters. Bafflement, a breakdown of social relations, and, ultimately, rage were the common responses. Other students were offered a chance to ask for advice from "an expert on personal problems." Although the expert answered only with "Yes" or "No," and according to a table of randomized responses concealed from his "client," most clients saw those answers as making sense and, indeed, as containing a considerable wisdom. What all these studies seemed to demonstrate was the existence of powerful forces toward making sense of experience.

Garfinkel's second approach built more directly upon the framework of a phenomenological analysis—phenomenology not as the philosophical enterprise of a transcendental philosophy, but as "psychological phenomenology": as a tracing of the organization, not the causes, of the realities of everyday life. Garfinkel and others came to look for the systematics, the "grammar," of the constructs always employed in our formulations of everyday life. They became fascinated with, among others, the cues by which we take turns in entering a conversation, the criteria by which we judge when we have been sufficiently comprehensive in a description or explanation (and can safely subsume the remaining details under expressions like "et cetera"). This sort of enterprise, rigorous but not directed toward causal, functional, or genetic explanations, would not have been as acceptable a decade earlier. In the 1950s and 1960s it took on respectability from the growth of transformational grammar, psycholinguistics, sociolinguistics, and the many forms of structuralism (e.g., that of Lévi-Strauss) in Europe and the United States. The power of this approach is now being tested.

I have gone into all of this background in order to place the book under review inside the living discourse of social science. I think that we can see this book as a series of conversations between Schutz and each of several former students and colleagues, many of them the editors and translators of Schutz's works from the German originals. One by one they drop in on Schutz and talk about things of interest to them that promise also to interest the master. The tone is private; the language that of the initiate. Some of these conversations are primarily concerned with philosophy, but many social scientists would enjoy an invitation to join Schutz in hearing Fritz Machlup sketch the assumptions contained in the concept of economic man, Peter Berger portray the multiple worlds embodied in Musil's *The Man Without Qualities*, Eric Voegelin discuss man-as-self as man whose humanity is deformed, Thomas Luckmann trace (in phenomenological terms) the relations between the social and the nonsocial, or Adolph Lowe explain the failures in prediction of classical and Marxian economics. And someone who wants to join in these sessions but has not met Schutz, can be introduced through Aron Gurwitsch's excellent review essay on Schutz as a philosopher or through Maurice Natanson's discussion of Schutz as a phenomenologist in social science.

What is *not* in this book is the Schutz who is now making a distinctive contribution to social science. Perhaps this Schutz is omitted by virtue of the editor's decision to solicit essays that would extend Schutz's work as a "philosophical illumination" of the social world. In any case, we find no one here who confronts with Schutz the gulf that must be bridged in moving from what Schutz provides—namely, a theoretical orientation—to a scientific theory, no one who speaks openly about the powers and limitations of phenomenology as a tool in science, no one who tries to systematize Schutz's scattered judgments about the essential phenomenology of everyday life, no one who asks whether Schutz has more to offer social science than a point of view. That kind of appraisal is being developed by other hands. It is on the results of that appraisal that Schutz's ultimate importance for social science will rest. Too many of these essays are a savoring of times past. None addresses the problems with which so many social scientists now must live.

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Marxism and the Origins of British Socialism: The Struggle for a New Consciousness. By Stanley Pierson. (Ithaca, N.Y.: Cornell University Press, 1973. Pp. xiv, 290. $10.75.)

Historians of the British Labour Party have never taken seriously the idea that Marxism, as a system of political thought motivating activists, played a significant part in the origins of the Party. Writers as varied in outlook as G. D. H. Cole, Henry Pelling, and E. P. Thompson all seek the springs of working-class action in the response of more or less ordinary working-class people to the social, economic, and political conditions of Britain in the 1880s and 1890s, while recognizing that the idea of breaking with the Liberal Party was encouraged by those few British intellectuals who had read Marx's work. Apart from a few Marxist historians such as Dona Torr in *Tom Mann and His Times* (London: Lawrence and Wishart, 1956) and E. P. Thompson in his early biography of William Morris (London: Lawrence and Wishart, 1955), few writers attempted a systematic study of the Marxist content of British socialism. Tsuzuki in his study of Hyndman (Oxford: Oxford University Press, 1961) and Pelling in his *Origins of the Labour Party* (Oxford: Oxford University Press, 2nd edition, 1965) agreed that the failure of British social democrats to guide the development of working-class consciousness in Britain was due to their very weak grasp of the tactical and strategic problems confronting them.

Dr. Stanley Pierson, in a new study of British socialism in this period, argues that the failure of Marx to shape the "new consciousness" of the emerging independent working-class movement was not primarily due to local British circumstances or personalities. Working from George Lichtheim's view of Marxism, he argues that the British case is only an instance of the general European breakdown of Marx's synthesis of theory and practice in the face of political developments. This breakdown was inevitable because of the "dilemmas inherent in the attempt to achieve the kind of integral or dialectial [*sic*] relationship between consciousness and social development" (p. 277).

Whatever the value of this as a statement of the philosophical problem in Marx's thought, it presents many difficulties if we use it as an approach to the history of British socialism. This is because Dr. Pierson is laboring under a fundamental confusion or ambiguity of thought. He uses the terms

"Marxism," meaning Marx's system of thought, and "Marxist" interchangeably (a confusion for which Marx sometimes had to rebuke his contemporary critics). The confusion of terms causes difficulties here because no one in Britain came anywhere near grasping Marx's system of thought in the 1880s or 1890s or for long afterward. Dr. Pierson, after showing that British commentators such as H. M. Hyndman and William Morris simply combined elements of Marx's thought with indigenous British traditions, confidently and confusingly proceeds to write about British "Marxists" and to discuss their problem of imparting Marxism to the working-class movement.

This is tendentious. The leaders of the British Social Democratic Federation (S.D.F.) never called themselves Marxists. They were acquainted with few of Marx's works at first hand and were especially deficient in a knowledge of his commentaries on nineteenth-century revolutionary and counter-revolutionary events. Consequently, they understood little of his method of applying theory to practice. Their borrowings from Marx were limited largely to his economic doctrines, from which they took the theory of surplus value and the doctrine of the inherent instability of capitalism. Such doctrines as were thus borrowed were not made part of a coherent system of thought. Hyndman's *England For All*, which he distributed to the members of the Federation, has been seen by Tsuzuki as a textbook of Tory Democracy, and Hyndman might be held in many respects to embody Lassalleanism rather than Marxism.

It is an important weakness of Dr. Pierson's method that he treats all his subjects as "case studies," that is, as embodiments of one of three intellectual traditions which, he thinks, were woven into Marx's thought. These three traditions are the rationalist, the utopian, and the realist, which proved impossible to resolve. Dr. Pierson's method is thus, that of cultural history, which treats human beings not as autonomous historical actors, but as the embodiment of ideas. If there is one thing historians can learn from Marx, it would seem to be to avoid treating real people as word made flesh.

All this is a pity as there is need for a "study in the round" of British socialism which, as Dr. Pierson understands, was many-faceted. He has read widely, cites much recent scholarship, and has consulted many primary sources, both manuscript and printed. But his use of evidence is not always as critical as it should be in a work of original scholarship. His use of Keir Hardie's forward to the Rules of the Ayrshire Miners' Union (1886) may be cited as an example. (See p. 199.) Three comments need to be made on this quotation, which Dr. Pierson takes as evidence of Hardie's acceptance of Marxism. First, it is quite clear to anyone familiar with Hardie's prose style that he was not the author of the passage. Second, it is out of accord with another and chronologically slightly later statement by Hardie (which Dr. Pierson quotes on the previous page) and which is fundamentally non-Marxist on the same question, namely, the just return to labor in a perfect order of society. Third, and most important of all, such scissors-and-paste quotations by Hardie should never be allowed to obscure his deep belief in class collaboration, which gives consistency to his whole political career.

This example serves to illustrate the care that needs to be taken in assessing the influence of Marx and Engels in British Socialism. Dr. Pierson is right to see it as more pervasive than used to be thought, but his method of using case studies prevents him from laying bare the real consciousness of personalities involved in real historical happenings. Perhaps the methods of cultural history do not make for good social history.

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Regeneration Through Violence: The Mythology of the American Frontier, 1600–1860. By Richard Slotkin. (Middletown, Conn.: Wesleyan University Press, 1973. Pp. 670. $25.00.)

This large and ambitious work will interest all those concerned with American cultural history. Though its materials are essentially literary, its intention reaches far beyond the sphere of letters. What Professor Slotkin has his eye on are the processes by which national myths are created and pass into subliminal belief and concerted action. His field of inquiry is New World attitudes toward wilderness and frontier, 1600–1860, and what his study exhumes is a curious "myth" whereby the hero achieves his destiny of spiritual regeneration by destroying whatever opposes him.

Slotkin traces this "myth" through its evolutionary stages beginning with its embodiment in narratives of New England Indian wars and captivity; the rise of The Hunter as a national hero; and the consummatory fusion of these in the figure of Daniel Boone. As is right for an exercise in the as yet imperfectly defined area of literary anthropology, Slotkin's main reliance is on the primary documents rather than on what others have made of wilderness/frontier literature. There are a few guides here (William Carlos Williams, Roy Harvey Pearce, Perry Miller), but mainly Slotkin must, like his hero/subject, find his own way. His successes are considerable.

Readers will find here a searching analysis of Puritan politics in the light of Slotkin's central concern, and social scientists who have in recent years subjected the witchcraft phenomenon to intense scrutiny will be particularly interested in Slotkin's analysis of Cotton Mather's cunning use of the captivity narrative to fan the exorcistic fires at Salem. Equally absorbing is the extended analysis of the permutations of the Boone legend from its first full realization in John Filson's biography (1784), through its sectional variations, and into its final phase as what Slotkin calls (after Wheelright) a "consummatory myth" in the American Renaissance.

Less easily documented but perhaps far more important is Slotkin's awareness of the powerfully sexual aspect transplanted Europeans imputed to the wilderness and the equally powerful resistance to this.

These represent, as I say, considerable successes, and I have no doubt that this book will be obligatory reading in its area for years to come. Yet there are reasons why it may ultimately be more valuable as prolegomena than as final word.

One of these has to do with the categories with which the author chooses to work. Throughout, Slotkin is concerned to define and redefine myth so that it finally becomes an all-embracing term that describes the heterogeneous documents he has under review. He wishes to show how an historical setting produces myths which in turn are manifested in literature and in social action. But there is excessive worry here over what myth really is when the actual dynamics of the situation could be more easily and accurately described were the author to open his lens a bit to include folklore and popular culture. The materials of these modes are abundantly drawn on, but they are not recognized as the intermediary stages they have been in American cultural history. Here everything is either history or myth: Boone is an historical figure and then a mythic one as imagined by Filson, Bird, and Cooper. Rarely do we get the sense of other levels at which tradition-making is at work. But in fact much of what Slotkin calls "myth" should be called folklore and the various sub-types that fall within this term—motif, tale, legend.

Lest this seem a purely academic quibble, I should go on to say that this same intense, synchronic vision is largely responsible for the author's failure fully to engage some of the larger implications of his research. We are in the world here of myth and its embodiments, and though Slotkin is obviously aware of the historical settings of his documents, far too often his exegetical bent obscures or distorts the outer realities. Hence Slotkin can remark (pp. 181–205) that in the 18th century there is a trend toward a more realistic depiction of the Indian and even a selective emulation of aboriginal life. This may well be true in the literature, but the Iroquois should have had its practical benefits explained to them more carefully. Similarly, the literary figure of Boone in certain of its guises suggests a "reconciliation to identification with the Indian" (p. 426), yet on the living frontier precious little identification with him was evident as extermination and deportation became official policy. Only in his concluding paragraphs does Professor Slotkin evaluate some of the social issues his otherwise rigorous book has raised. What has gone before makes one wish he had done this study as a two-volume set, the second exploring the latent and manifest cultural implications of the first.

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Utilitarianism: For and Against. By J. J. C. Smart and Bernard Williams. (Cambridge and New York: Cambridge University Press, 1973. Pp. 155. $8.95, cloth; $2.95, paper.)

This volume consists of two monographs: a revised and augmented version of J. J. C. Smart's *Outline of a System of Utilitarian Ethics* (originally published Melbourne 1961), and *A Critique of Utilitarianism*, newly written by Bernard Williams.

Both pass over meta-ethical questions, and address themselves to a normative one: Is utilitarianism to be adopted as one's own system of personal morality?

Smart, on the whole, is for it. The specific form of utilitarianism he recommends may be summed up in the principle: The only reason for performing an action *A* rather than an action *B* is that the total consequences of *A* will contain, on balance, more human happiness than the total consequences of *B*. His conception of happiness is Benthamite: a human being is happier in state *X* than in state *Y* if as a matter of fact he enjoys *X* more than *Y*. If you are benevolent, that is, if you desire the happiness of human beings, then, he holds, the utilitarian principle will express your moral attitude. Nonutilitarian consequentialist theories, in which ends other than happiness are laid down, are rejected as nonbenevolent. And alternative versions of his utilitarian principle, either in which the greatest average happiness is preferred to the greatest total happiness, or in which (negative utilitarianism) the minimization of unhappiness is preferred to maximizing the balance of happiness over unhappiness, are dismissed as, in certain possible circumstances, sanctioning nonbenevolently drastic reductions of the human population.

By prescribing that the total situations resulting from actions are to be compared, and merely "ordinal" judgments made of them, Smart professes to have obviated the familiar objection that utilitarianism imposes on its adherents the impossible task of calculating the sum of happiness that each action will yield. But he allows that, in "envisaging" the total situations resulting from alternative actions, the best one can hope for are true ordinal judgments of probable happiness; and concludes that, although the task of constructing the required theory of objective probability "may not be hopeless," until such a theory is constructed "utilitarianism is not on a secure theoretical basis" (p. 41).

Smart's position is a strict form of what is known as "act-utilitarianism." Throughout his study he disdains the various forms of what is known as "rule-utilitarianism," the position that actions are to be judged not according to the total situations resulting from them, but according to the total situations resulting from the acceptance of certain rules, with which they do or do not conform. Yet what he says about rule-utilitarianism is perplexing. On one hand he maintains that the only rule that can be justified on utilitarian grounds is his own act-utilitarian principle (pp. 11–12). On the other, he avails himself liberally of Sidgwick's distinction between what is right for us to do and what is right for us to praise. Since we usually have no time to make an ordinal utilitarian judgment between the total situations resulting from the alternative actions open to us, and since, even when we have, there are circumstances in which spontaneity has valuable utilitarian consequences, he emphatically asserts that utilitarianism itself enjoins us not, as a rule, to deliberate according to the utilitarian principle, but to act according to rules of thumb, or from dispositions found for the most part beneficial. Of course, should we become aware of a conflict between our sanctioned rules and dispositions on one side, and the utilitarian principle on the other, we ought to follow the principle. Yet the usual ground on which actions are to be praised is not that they accord with the principle, but that they accord with the sanctioned rules.

Smart presents his moral system not as a theory, but as the advocacy of a way of life. Predominantly, he advocates that we act according to his act-utilitarian principle. And so, when he deviates into advocating that we praise actions for conforming to certain rules, even when they in fact violate his principle, Williams rightly points out that he is inconsistent: he is advocating advocacy against what he himself advocates. Incidentally, his distinction between the utility of a kind of action and the utility of praising it appears to be equivalent to the rule-utilitarian distinction between the utility of acting according to a rule (conformance-utility), and that of accepting a rule (acceptance-utility), a fundamental distinction drawn by David Lyons which he neglects (cf. pp. 10–11, 122).

Williams's *Critique* ranges far beyond this internal weakness in Smart's system. Yet his fundamental strategy is simply to follow the implications of utilitarianism further than most utilitarians do. For example, he shows that, in maintaining the maximization of happiness to be the sole legitimate criterion of right action, utilitarianism puts us at the mercy of anybody who can so manipulate the conditions in which we act, that on balance more human happiness will result from our abandoning our principles, and the projects we really care about, than from our sticking to them. To reduce in this way a human agent to "a channel between the input of everybody's projects . . . and an output of optimific decision" must, Williams contends, "alienate him in a real sense from . . . the source of his actions in his own convictions" (pp. 116–117). It is a fundamental attack on his integrity.

This book is the best introduction to its subject I know. Smart writes with candor, clarity, and subtlety. And even utilitarians will find Williams's *Critique* useful.

ALAN DONAGAN

University of Chicago

Labor Legislation from an Economic Point of View. By Gustavo R. Velasco. (Indianapolis, Indiana: Liberty Fund, Inc., 1973. Pp. 65. $3.00.)

The author, a Mexican lawyer, professor of administrative law, banker and former president of the Mexican Bar Association and Mexican Bankers Association, and writer of economic articles, focuses on a single thesis, the negative and injurious consequences of governmental prolabor policies. He rejects the notion that legislation and union pressure can raise the standard of living of most of the people. Indeed, he asserts that these make a nation "poorer . . . brake progress . . . hinder and deter welfare" (p. 2).

Claiming to be a friend of workers, concerned with their well being, the author argues that prolabor governments cannot achieve this goal. Since he never indicates that his observations refer only to Mexico, we assume that his propositions are universal.

Professor Velasco develops his theme by challenging the economic, political and social basis for government intervention on behalf of workers. He uses selected data and arguments presented by writers opposed to labor and social welfare legislation, and cites such well-known free-market advocates as Milton Friedman, F. A. Hayek, Henry C. Simons, and Ludwig von Mises. When quoting writers not in this category, he selects from their writings only those portions supporting his noninterventionist government view.

The author supports competition, free markets, and private property because these yield economic progress and freedom. Labor legislation and unions have not advanced the welfare of society, and if left unchecked will destroy capitalism leading to an authoritarian, socialistic state. This polemical monograph concludes with an evangelical plea to Mexico to avoid the "spurious doctrines of pseudo-laborism" (p. 58).

The author's thesis was refuted as long ago as 1945 by Herman Finer's *Road to Reaction.* One wonders whether Professor Velasco is aware of the real world. Businessmen obtain government subsidies, preferential legislation, and other assistance to minimize or eliminate competition. (The oil industry is a fine illusttation.) Capitalist governments enacted social legislation to save capitalism from its free-market operations and in response to the needs of their citizens.

The author's notion of limited government has been overtaken by events. Two world wars, a worldwide depression, and commitment to full employment have propelled governments into more and more economic areas. Professor Velasco ignores this, never explains why and how unions control governments, assuming they do even in Mexico, and contends that if men are left free to accumulate capital, benefits will flow (through the unseen hand?) to everyone.

This volume adds little understanding about the role of governments in economic affairs. It warms us not to rush unthinkingly to government for expected bounties. Although governments are trying to do something about inflation, unemployment, manpower and incomes policy, these problems seem incapable of solution through governmental action alone. We do not need another blunderbuss attack but precise targeting on means to achieve stable prices, full employment and minimum government control over wage and price decisions. Resourceful, determined and intelligent people committed to a mixed economy and a constructive mix of public and private power are more likely to insure progress for all, including capitalists (Professor Velasco's constituents), than is the implementation of the author's views.

BERNARD SAMOFF

University of Pennsylvania

Daniel Webster and the Trial of American Nationalism, 1843–1852. By Robert F. Dalzell, Jr. (Boston: Houghton Mifflin Co., 1973. Pp. 363. $8.95.)

Daniel Webster and Jacksonian Democracy. By Sydney Nathans. (Baltimore, Maryland: The Johns Hopkins University Press, 1973. Pp. 249. $10.95.)

"The very thought (wild and hopeless as it is) of having Daniel Webster President of the United States," the New York Whig Philip Hone recorded in his celebrated diary, "should make the heart of every American leap in his bosom and cause him to dream of the days of George Washington" (Bayard Tuckerman, ed., *The Diary of Philip Hone, 1828–1851,* 2 vols. [New York: Dodd, Mead and Co., 1889] I, 237). Webster certainly wanted to make Hone's dream come true, but unfortunately for him not enough Americans had palpitations similar to those of the New York aristocrat. As Hone implied, moreover, Webster never came even close to obtaining a presidential nomination. Both Robert F. Dalzell, Jr., and Sydney Nathans focus on presidential politics and address themselves to the question of why the "Godlike" Daniel never occupied the White House. Taken together, the two books under review provide a comprehensive account of Webster's political career from 1828 until his death in 1852. Professor Nathans deals with the years 1828–1844, from Andrew Jackson's election to shortly after Webster's resignation as John Tyler's Secretary of State. Professor Dalzell begins just about where Nathans leaves off, overlapping for the Tyler administration, and emphasizing the last decade of Webster's life.

Hone's allusion to George Washington is appropriate to Nathans's appraisal of Daniel Webster. From his Federalist heritage, Webster adopted the ideal of government by disinterested gentlemen and had serious doubts about the kind of partisan voter-oriented politics which characterized the so-called second party system. Nathans's purpose is to study Webster's responses as an individual and a "type of political leader, to the organized, systematic, and continued party strife that took firm root in the era of Andrew Jackson" (p. 1). Webster's dilemma, as Nathans puts it, was that of an entire generation "reared to rule in a traditional world" of deference but compelled to "function in a modern one" (p. 6) of partisanship. Nathans skillfully traces Webster's reluctant adaptation to changing realities by discussing his responses to the elections of 1828 and 1832, his abortive attempt to use the nullification crisis to form with Jackson a new Constitution and Union party to end parties, his tardy entry into the Whig fold in 1834, his unsuccessful appeal to the voters to elevate him to the presidency in 1836 because he was a great man who merited the office, his tactical reversal and acceptance of the role of Whig rabble-rouser in the log cabin campaign of 1840, his decision to defy Henry Clay and the Whig majority by remaining in the Tyler cabinet, and his paying the price of apostasy by endorsing Clay for the Whig nomination in 1844. Nathans concludes that in order to survive politically, Webster had to make adjustments and compromises, but that as late as 1844 he remained at heart an elitist who had not fully accepted the new politics.

He never did accept those politics. According to Dalzell, Webster carried to the grave a distaste for partisanship and organized political parties. Nationalism, rhetoric, and slavery play large roles in Dalzell's analysis of Webster and the politics of union. By 1844 Webster was a quadrennial presidential candidate, and Dalzell details his quest for the presidency from that year on. Despite his burning ambition, Webster remained a maverick. Dalzell observes that although it was clear that many New England Whigs as well as abolitionists would react with outrage, in his Seventh of March Speech Webster advocated compromise in an effort to eliminate the slavery dispute from American politics. As Secretary of State under Millard Fillmore, he further incurred the displeasure of his constituents by insisting that Massachusetts enforce the Fugitive Slave Act. In 1850 he contemplated the establishment of a Union party of patriots, and, embittered by his meager showing at the Baltimore convention in 1852, he adamantly refused to endorse the Whig party's choice, Winfield Scott. Essentially an elitist to the very end, Webster himself pointedly remarked on one occasion: "What I have been, I propose to be" (Dalzell, p. 279).

These two books have much in common. Both are well written and solidly researched, based on extensive investigations of Webster and other relevant manuscript collections. Neither author makes use of the techniques of quantitative analysis. Both emphasize politics, and although Nathans ably relates foreign to domestic affairs in his appraisal of Webster's attempt to use the avenue of diplomacy in 1843 to avert a humiliating resignation as Secretary of State, neither pays much attention to foreign policy, law, or economics. Finally, both authors are favorably disposed toward Webster and generally credit him with high marks as a politician, even though he failed to realize his overriding presidential ambition.

Neither Dalzell nor Nathans has sufficiently questioned Webster's political judgment. Webster simply does not seem to have been an especially astute politician outside the confines of Massachusetts. The record speaks for itself: the sincere but naive attempt to establish a Constitution and Union party of gentlemen with Jackson; the backward-looking "great man" strategy of 1836; the premature drive for the 1840 nomination, which peaked early and perished quickly; the high-risk decision to remain as Secretary of State after the Webster-Ashburton Treaty had been ratified; the defiant Faneuil Hall address of September 30, 1842, which ended any possibility of a graceful exit from the Tyler cabinet; the alienation of, among others, Abbott Lawrence, Henry Wilson, and Zachary Taylor; the Seventh of March Speech; the profitless defense of the Fugitive Slave Act; and the poor showings at the Whig national conventions in 1848 and 1852. Webster repeatedly misread the mood of the electorate and of the Whig party.

Why did Webster make the political blunders that he did? Nathans implicitly provides the most meaningful answer. Webster refused to reconcile himself and his mode of behavior with the passing of the day of the public man. He allowed himself the luxury of gentlemanly independence at a time when parties no longer tolerated nonpartisanship. Webster also was a subborn man who did not respond graciously to pressure. As he snapped in the Faneuil Hall address referred to earlier: "I am, Gentlemen, a little hard to coax, but as to being driven, that is out of the question." Perhaps the greatest tragedy of Webster's life is not that he failed to gain the presidency but that he never ceased trying. He was an enormously talented lawyer and an outstanding senator. Had he not diverted so much energy to the presidential goal, he might have been the greatest lawyer or senator, perhaps even both.

KENNETH E. SHEWMAKER

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The Imperfect Union: A History of Corruption in American Trade Unions. By John Hutchinson. (New York: E. P. Dutton, 1972. Pp. 477. $3.95, paper.)

The purpose of this book by John Hutchinson professor of industrial relations at UCLA, is to trace the history of corruption in American labor unions from 1890 to the present, detailing abuses of power for personal enrichment in the building trades, the needle trades, long-shoring, the culinary trades, theatrical employees, the teamsters, and the textile workers.

As a careful assessment of the record of corruption, the book serves as a first-rate updating of Harold Seidman's *Labor Czars: A History of Labor Racketeering* (New York: Liveright Publishing Corporation, 1938), Malcolm H. Johnson's *Crime on the Labor Front* (New York: McGraw-Hill, 1950), and Robert F. Kennedy's *The Enemy Within* (New York: Harper and Row, 1960).

While this is no mean achievement in itself, Hutchinson in Chapter 24 delves into "The Anatomy of Corruption." Hutchinson's aim is to find and define "the inducements or compulsions" that had led to corruption within labor or on the part of its employers. It is his view that corruption is neither simple in origin nor easy to combat. Often blamed on "business unionism," corruption cannot be linked precisely to a conception that unions are a business providing economic and workplace gains for those who pay service fees, says Hutchinson.

"Imperfectly governed" unions are not the reason, nor is "autocracy necessarily a cause of corruption" in labor (p. 373). Hutchinson says that most unions show a high degree of democracy and that the supervision of internal union affairs by government "is probably more detailed . . . than in any other Western society" (p. 375). But he writes, "It might reasonably be said that the American labor movement, like all human institutions, has attracted its quota of the greedy, the hypocritical, and the frail" (p. 373). This last statement takes on added emphasis in light of the revelations showing the very same abuses in the White House.

Certainly, few issues have generated more heat and less light than most discussions of labor racketeering. Definitions and degrees of corruption, proof of corruption, and the determination of the extent of corruption all make an analysis of unethical unionism difficult. Like Ulysses carefully sailing his ship between Scylla and Charybdis, Hutchinson attempts in his analysis of the abuses of power neither to exaggerate nor to underestimate their importance.

Nevertheless, I feel that Hutchinson is too restrictive in his definition of corruption as "the use of union power for private enrichment by anyone" (p. 8–9). This definition omits, for example, the 1969 United Mine Workers' election in which the election to the presidency of Tony Boyle, Lewis's successor, was voided by a federal judge, who found evidence of vote fraud and other wrongdoing. Even worse, Hutchinson's definition would exclude the calculated killing of reformer Jock Yablonski by Boyle's hirelings. Is this not the ultimate corrupt act?

Despite such reservations, I think Hutchinson has done a very credible job of handling the issue as he has defined it. I would recommend supplementing it with *The Corrupt Kingdom* by Joseph E. Finley (New York: Simon and Schuster, 1972), and *Death and the Mines* by Brit Hume (New York: Grossman Publishers, 1971).

JAMES C. MCBREARTY

University of Arizona

The Political Economy of Urban Schools. By Martin T. Katzman. (Cambridge, Mass.: Harvard University Press, 1971. Pp. 235. $7.50.)

Political scientists and economists have long been concerned with the analysis of the process by which policy decisions are made, and the input-output model has become a familiar part of such analysis. In this book, written originally as a doctoral dissertation, Martin T. Katzman examines the impact of educational policies in the Boston public schools.

He contends that the traditional American approach to problem solving has been to "do something," even if we don't understand the impact of what we are doing. And "doing something" usually takes the form of increasing the resources being fed into the system; or increasing the efficiency by which these resources are used; or by reorganizing the institutions that allocate these resources. All of this occurs with very little attempt to evaluate the impact, if any, these policy changes have on the ultimate product.

Katzman, therefore, seeks to develop means for measuring and evaluating output in order to be able to measure the relative impact of alternative inputs. One of the most difficult aspects of this evaluation is the problem of differentiating the impact of the policy under examination (school policies) from the impact of other inputs (such as peer experiences and family characteristics). He seeks to resolve this problem by collecting data relating to each of these input factors (school characteristics, average student performance, and family background) for each of Boston's elementary school districts and relating these inputs to three sets of performance indicators using the multiple-regression technique of least squares.

The performance indicators measured the holding power of the schools; the cognitive development of the students; and their levels of academic aspiration and achievement. Holding power was indicated by average daily attendance rates and the percentage of students completing high school. Cognitive development was reflected by the results on a standard battery of tests administered to all Boston students and by the median level of mathematical competence among fifth graders. Aspiration levels were determined by using the percentage of sixth graders who take the qualifying examination for Boston's prestigious Latin schools and achievement by the percentage who pass the examination.

In analyzing his data, Katzman found that different levels of teacher training, experience, and accreditation had little impact on student achievement. The only significant variable relating to teachers was the negative impact associated with high teacher-turnover rates. He also found no significant relationship between race and achievement when social class and school resources were held constant.

But when he discusses the distribution of educational opportunity Katzman goes beyond his data and becomes involved in subjective judgements on school policies relating to racial and ethnic groups. He does not believe that school integration is either politically possible or educationally desirable (pp. 74–75). He calls compensatory education more "palatable politically" and "possibly more effective educationally" (pp. 74–75) but acknowledges that compensatory programs "have hardly proven themselves to be effective" (p. 100).

He argues that "capitalizing on the comparative advantages of Chinese-American children or Jewish children may be more efficient than attempting to provide all students with an equal opportunity to become an architect or an accountant (p. 110)." And he concludes that inequality in educational opportunity is not really very important compared to the inequalities in income, wealth, health expenditures or housing quality. He doubts that equalization of school quality would equalize performance. And even if it did, equalization of school achievement would not significantly reduce individual variations in income and occupations (p. 137).

Katzman's description of his attempts to measure the impact of policy inputs is valuable. But the book is flawed by his prescriptive judgments which seem to have little root in his data. And his proposal to solve the problems of distribution of educational opportunity through compensatory education flies in the face of his own warning that an increase in the level of input is not an adequate predictor of an increase in the quality of the product.

Earl J. Reeves

University of Tulsa

Bonds of Pluralism: The Form and Substance of Urban Social Networks. By Edward O. Laumann. (New York: John Wiley and Sons, 1973. Pp. 342. $14.95.)

Few scholars have approached the problems of urban social structure with greater theoretical care or methodological sophistication than Professor Edward O. Laumann. Working mainly with the technique of small-space analysis on data collected in the 1965–1966 Detroit Area Study, Laumann (with his colleagues Stephen J. Cutler and David R. Segal) focus on the patterns of friendship choices among white males. They have produced a complex, nuanced, fascinating picture of the structure of urban life, a picture which has the "feel" of being the way things really are.

As is the case when one reads the work of a good researcher who is pondering a fascinating problem, the reader comes away from *Bonds of Pluralism* with a good many more questions about urban life than he had when he began. It is surely true that Herberg's triple melting-pot—Protestant, Catholic, Jew— is a good first approximation of how urban Americans (or at least Detroit Americans) sort themselves out in intimate relationships. But such a unidimensional model is only the beginning, and a much more detailed and satisfying picture requires a more complex model which takes into account ethnic, socioeconomic, and socioreligious differentiation. Whom you choose as a friend, in other words, is to some extent shaped by your religion, but it is also shaped by your ethnicity, your occupational status, and your religious "style."

Similarly, while occupational friendship choice is, as one would have expected, influenced by prestige and socioeconomic status, social status by itself does not provide a sufficient explanation. A bureaucratic-entreprenurial dimension is also at work, a dimension which is related to differences in job values and preferences. In other words, religion and social class are critical factors in explaining urban social structure, but there are other and, from the point of view of much social research, more obscure factors—ethnicity, religious behavior, and occupational "sector."

There are also intriguing differences in the kinds of friendship networks chosen by Protestants and Catholics. Protestants seem to belong to occupationally homogeneous, ethno-religiously heterogeneous friendship networks which are "radial" in form (or, one might say, "open" friendship systems). Catholics and Jews are more likely to belong to homogeneous ethno-religious networks that are interlocking (or, one might say, "closed" friendship systems). Furthermore, for Catholics at least, these differences cannot be explained by either "greater ethnicity" or by the fact that Catholics are the more recent arrivals in the United States. The interlocking friendship networks of Catholics, in other words, seem to be a unique or, to use Laumann's words, "per se" Catholic style.

Laumann does not attempt a detailed explanation of the phenomenon, but his speculation seems to make sense: "one promising way of constructing a more appropriate model for the American case would be to attend closely to the distinctive historical experiences of the various religious denominations in the United States, particularly their interrelationships with other denominations and the relative privileged or disprivileged status of their average members" (p. 204).

While the speculation is intended to cover a broader range of phenomena than the differences of friendship style, my own hunch is that an examination of historical experience might give important clues to the friendship pattern differentiation. Catholics, I suspect, may be much more strongly committed to the "neighborhood" and hence to interlocking friendship networks—though whether the neighborhood propensity or the interlocking propensity comes first would continue to be problematic.

Laumann is not able to accept the notion that "for the native-born white population, subcultural differences rooted in ethnoreligious groups are . . . held to be of minor importance, destined to disappear in the third and later generations" (p. 206). Having examined differences in religious beliefs and activities, political, economic and work orientations, modes of social participation, and worldly success, Laumann observes of the third and later generations of Americans: "*While it would be quite foolish for us to exaggerate the magnitude of these differences and to conclude that the American urban scene is a mosaic or highly differentiated, self-contained nationality-religious groups, it would be equally foolish for us simply to dismiss them as being of little or no importance in accounting for the vitality and heterogeneity of contemporary urban life*" (p. 206, italics his).

It is precisely this sort of balanced statement that makes *Bonds of Pluralism* a pleasure to read.

Some ethnic groups, Laumann notes in his introductory chapter, are apparently more successful than others at maintaining sufficient impermeability of boundary to continue as distinct subcommunities within urban society. This is a fascinating subject for further research. Which groups are successful in maintaining their own distinctiveness, and what techniques do they use? One suspects that the early childhood socialization process is of critical importance.

Like all of us who are currently trying to wrestle with the problem of religio-ethnic diversity, Laumann is plagued by the problem of the small number of cases. His critical chapter nine, about the third and later generations, for example, has fourteen Italian Catholics, twenty-three German Presbyterians, ten Slavic Catholics, and thirty-one Anglo-American Methodists. (The largest group in this chapter is seventy-three Anglo-American Baptists, the second largest, sixty-five German Catholics.) Laumann is appropriately guarded in his comments based on such a small number of respondents. Still, he must feel as do the rest of us an occasional desperate desire for at least a hundred respondents in every religio-ethnic category.

There is also the question of how typical of American life is the Detroit Standard Metropolitan Statistical Area. One will never know, of course, until other SMSA's are studied in the same detail that Detroit has been by University of Michigan researchers. I would be very surprised if the social structure of Chicago or Milwaukee or St. Louis or Cleveland was much different than that described in the present volume.

In summary, *Bonds of Pluralism* is a major work on urban social structure, an important step forward in the study of religio-ethnic diversity, and a pleasure not to be missed by those who are interested in the city or in religio-ethnic groups or in just plain good sociology.

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Johnson, Grant, and the Politics of Reconstruction. By Martin E. Mantell. (New York: Columbia University Press, 1973. Pp. 209. $9.00.)

This book presents a problem for a reviewer. One is torn between damning it with faint praise or praising it with faint damns. The latter alternative is probably the most just, for the criticisms of the work arise out of what the book is not, rather than what it is. And it is almost unfair to criticize an author for not doing something that he had no intention of doing. Still, if the goal of criticism is to improve the quality of work being done in a field, and not simply to give some sort of grade to a finished product, then such criticism is appropriate.

In the genre of political history this is an acceptable work, one which contributes by its synthesis rather than its thesis. Professor Mantell describes clearly and with some illumination the crucial political problems of the years 1865–1868. He notes that President Johnson and General Grant were opponents in their views of proper reconstruction measures despite the President's efforts to use Grant's popularity for his own ends. Furthermore this opposition was known to Johnson and to Republican leaders almost from the first days of Reconstruction. Unlike many earlier writers, Mantell gives Grant credit for political sensitivity in his dealings with the President and in his approach to the problems of the South.

One of the book's best features is its pointing up of the relationship between northern politics and the degree of southern acquiescence in reconstruction measures. Willingness to support these policies, Mantell avers, was directly related to Republican successes. He thus suggests that the failure of Reconstruction may be laid at the feet not only of southern recalcitrants or radical northern politicians: Northern voters were also responsible in their hostility to full Negro equality measures. The 1867 elections especially demonstrated to Dixie that it might hope for a "whiter" future.

Mantell also is most helpful in his discussions of the major financial issues of the time and his analysis of northern elections for Congress and the presidency and of southern constitutional convention elections. He notes the strong relationship between wartime Unionism and support for southern conventions. He demonstrates the overall permanance of Republican strength throughout the period despite apparent fluctuations in support. He shows the sweeping nature of Grant's 1868 victory.

Further useful information is provided in Mantell's discussions of Democratic politics and the problems posed for politicians by the impeachment of Johnson. Party regularity was the shibbolith of the Democracy in these years despite an occasional flirtation with coalition as seen in the 1866 National Union movement and the candidacy of Chase in 1868. Republicans entered the impeachment arena gingerly and stepped carefully once there.

Despite all these plusses this work leaves the reader unsatisfied. There is not one memorable or lively sentence in the book, and Mantell does not enliven it with quotations from others. Sloppy proofreading adds to the reader's irritation.

Even more important, however, Mantell has not chosen to do more than provide a straight political narrative of national politics. Social and economic factors in the nation intrude only on occasion and the personalities of the actors almost never do. The only motivations that seem to matter are bound up with the next election. Scant attention is given to the humanitarian instincts of many Republicans, or to the cost that these instincts often exacted in elections.

On the matter of impeachment Mantell's narrow focus betrays him most obviously. The meaning of the event in constitutional terms, its consequences for the future, demand analysis. But the best Mantell gives us is the conclusion "that in the long run the acquittal of the President by a single vote may have been the best result possible" (p. 100).

Given what he has chosen to do, this book is adequately executed. But, Mantell's obvious industry and intelligence could have been used more effectively if he had envisioned his subject in its larger dimensions.

PHILLIP S. PALUDAN

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The Foundations of the American Empire: William Henry Seward and U. S. Foreign Policy. By Ernest N. Paolino. (Ithaca, N. Y.: Cornell University Press, 1973. Pp. 235. $9.75.)

Recent scholars have rejected the view that the United States turned inward with the coming of the Civil War, avoiding international involvement until the Spanish-American War. Milton Plesur's *America's Outward Thrust* (1971), for instance, portrayed America and Americans as increasingly active in the world arena, and works by Walter LaFeber and William Williams have described an aggressive foreign policy during those years, economically motivated and aimed particularly at the securing of foreign markets.

It is appropriate that LaFeber's *The New Empire* is advertised on the dust jacket of this analysis of William Seward's policies while he was Secretary of State, for the book is a study in microcosm of the LaFeber-Williams thesis. Professor Paolino believes that historians have misinterpreted William Seward in depicting him as an oldfashioned adherent of territorial expansionism —"manifest destiny"—in an age of public apathy. Seward had relatively little interest in new acquisitions. When he pursued new land, as in the Alaska purchase and his abortive effort for the Danish West Indies, it was to facilitate his overall end: the triumph of American "commercial hegemony." Seward, in fact, laid the groundwork for later American imperialism. The Open Door notes of the turn of the century revived China policies that Seward had established, and imperialists Alfred Thayer Mahan, Theodore Roosevelt, and Henry Cabot Lodge were "unconscious Sewardites" (p. 211), reiterating Seward's calls for coaling stations, an isthmian canal, control of international trade routes, and economic expansion. The Spanish-American War, according to Paolino, was therefore a "Great Culmination" of Seward's policies rather than a departure from the past.

To prove his point, Paolino analyzes Seward's ideas about foreign policy and surveys Seward's activities in the State Department. He contends that Seward's interest in a transcontinental railroad and telegraph, subsidies to shipping corporations, cheap public land, and liberal immigration policies were all related to an integrated vision of American control of world trade. There are fascinating chapters on Seward's involvement with entrepreneur Perry McDonough Collins's plans for an intercontinental telegraph, and Seward's role concerning a plan to unify the world's coinage so that American currency would become the primary medium of world exchange. Both programs were intended to enable the United States to outmaneuver its European rivals in the world market. The book's main focus is on Seward's Asian policies: Seward envisioned Alaska as an entrepôt for trade with the Orient, he gave strong backing to opening China to American trade, and he pursued active policies to open up Japan and to suppress attacks on merchant ships in Formosa and Korea. In fact, contrary to the notion of Seward as a unilateralist, the secretary cooperated with European powers in subduing Asian resistance to economic imperialism, even when they resorted to force. Like Peter Karsten in his *The Naval Aristocracy*, Paolino describes the American Navy as actively protecting capitalism overseas.

Seward, however, is described in a vacuum, and emerges as an abstract being. His sensitivity to economic interests is given as a premise, rather than explained. Biographical data relating to the formative influence on Seward would have corrected this. Seward's racial thought is unexplored; we are told in a footnote that the racism of later imperialists would have repulsed him, yet we are tantalized by mention of Seward's determination to impose Christianity on an unwilling Japan. The book's title is misleading: *The Foundations of the American Empire in Asia* would have been more accurate, since Paolino believes that Seward's imperialistic thought was almost entirely Asia-oriented. The author ignores other areas of Seward's diplomacy, except for a brief discussion of policies regarding the Danish West Indies, the Panama Canal, and Samaná Bay. Paolino overlooks the relationship of Seward's policies to party politics. Should we assume that Democrats and Republicans had the same outlook regarding foreign markets? Finally, the dismissal of territorial imperialism is not totally convincing.

These reservations aside, Paolino's study is an excellent introduction to the dimensions of American foreign policy in the late nineteenth century. It is provocative, concise, well researched, and well written. Scholars searching for an understanding of the reasoning behind American foreign policy will profit greatly from reading this study, which convincingly demonstrates the primacy of William Seward in the evolution of America's role in world affairs.

ROBERT E. MAY

Purdue University

The Impact of Reform Movements on Social Policy Change: The Case of Social Insurance. By Daniel S. Sanders. (Fair Lawn, N. J.: R. E. Burdick, Inc., 1973. Pp. 205. $9.50.)

The volume is an embarrassment. It attempts to explain to social workers how various "reform movements" influenced the initial passage of the Social Security Act and the amendment process through 1954. However, the author does not communicate any clear and consistent theory or theories about how policies are chosen and implemented. He does not define or discuss social movements and differentiate them from other interest groups. He does not deal with some historical facts obviously relevant to his story. And his editors have permitted him to publish a clumsily written volume whose very style and structure makes a convincing analysis unlikely.

More specifically, Professor Sanders, of the University of Hawaii, wants to help social workers in policy formulation and policy setting. He set out to accomplish this in a loosely and selectively told story about the enactment of the 1935 legislation and subsequent amendments. The question to be dealt with is the impact of reform movements in their totality and the relative impact of different organizations. For reasons never clarified, he treats "labor" or various interest groups as "movements" to be considered along with Townsend. He fails to grasp the obvious opportunity to contrast relative impacts of broad social reform movements, professional interest groups, "do-good" reform groups, and reforming individuals with technical expertise. After all, the interplay among participation, expertise, leadership is a critical question in understanding both planned and unplanned social change.

To illustrate: "From the point of view of strict sociological theory, associations like AASW and APWA should be viewed more as organizations with reform interests, rather than reform movements. However for purposes of this study they are included as reform movements" (p. 14). "The role of some of the reform movements, particularly labor, in ensuring that some of their representatives have a voice in this influential advisory group was consequential" (p. 111). "But . . . labor, too, was caught up in its day-to-day problems and that, in this sense, social reform was often a secondary consideration" (p. 135). Or (with no mention of the public debate about the role of the National Resources planning Board and its eventual dismantling), "While there was no immediate congressional reaction (to *Security, Work, and Relief Policies*), the recommendations embodied in that report were bound to be considered, even though not adopted *in toto*, in subsequent proposals for policy changes and amendment" (p. 100).

The social scene and the issues are so thinly drawn, in fact, that there is no adequate backdrop for interpretation of the responses of various interest groups and movements to the policy and legislative proposals. The scene is never adequately set for contention and conflicts. In fact here is the major missing link. Sanders goes from defining policy to description of the Act and subsequent amendments. Then he describes the actions of various groups and assesses their effects. But with no analysis of stakes and no yardstick for gauging whether and how the forces affected what occurred, the presentation goes nowhere.

ALFRED J. KAHN

Columbia University

From Confederation to Nation: The American Constitution, 1835–1877. By Bernard Schwartz. (Baltimore, Md.: The Johns Hopkins University Press, 1973. Pp. xi, 243. $10.00.)

Bernard Schwartz's *From Confederation to Nation* is the latest of a number of distinguished works previously written by the author, an eminent authority on constitutional law. A brief outline of constitutional developments between the Age of Jackson and the era of Reconstruction, the book does not pretend to break any new ground. It is based on the best available secondary accounts and attempts to clarify constitutional issues to laymen.

The author's principal emphasis is on the flexibility of the American Constitution. Able to accommodate itself to the changes necessitated by an attempt to break up the constitutional fabric itself, it not only survived but proved its value in adapting to altered circumstances. From a loosely knit confederation tolerating slavery, the United States developed into a powerful nation committed, at least in theory, to equal rights. This process was accompanied by the addition of three amendments, of which the Fourteenth was by far the most significant. The basic charter, however, endured.

Of the three justices who presided over the Supreme Court at the time, Professor Schwartz clearly favors Roger B. Taney. Comparing him to John Marshall, he asserts that Taney did not greatly change the Marshall court and cites *Ableman* v. *Booth* as an example. Although he deplores the lack of judicial restraint in the Dred Scott Case, he nevertheless holds that some of the majority's doctrines were later borne out in the Insular Cases. Viewing Chase's tenure as a failure, he believes that Morrison R. Waite, admittedly a mediocre jurist, ought to be given credit for foresight in the Granger Cases.

The author's treatment of the Fourteenth Amendment is one of the strong points of the book. Accepting recent findings about the spuriousness of Roscoe Conkling's assertion that the measure was intended to protect corporations, he nevertheless shows that antebellum constitutional development had long been moving in this direction (*Bank of Augusta* v. *Earle*, for example). Leaving unresolved the question of the applicability of the Bill of Rights to the states, he emphasizes recent trends which would tend to render the problem obsolete.

Professor Schwartz's views on impeachment deserve special mention. Although his approach to constitutional history is similar to Raoul Berger's, his conclusions are not the same. Holding that Andrew Johnson's acquittal seemed to establish the principle, at least in the case of executive officers, that impeachments can lie only for criminal or indictable offenses, he takes issue with most recent authorities. But in his insistence that Johnson's escape saved the tripartite form of government, he is doubtless on firmer ground.

It is difficult to find fault with the author's general conclusions. His approach precludes a thorough investigation of the sources or a meticulous consideration of the broad effects of constitutional development upon social and economic conditions. In this respect, therefore, the book cannot be compared with Harold M. Hyman's *A More Perfect Union*, which appeared almost at the same time and is infinitely more analytical and comprehensive. But then Professor Schwartz addresses himself to a different public.

On specific questions, the author is generally well informed. He clearly outlines the changing assessments of the various issues he discusses. Yet in differing with Stanley Kutler's revisions of the older view of judicial impotence during Reconstruction, he fails to mention the Yerger Case, an omission which weakens his argument. He also errs in supposing that the second and third Reconstruction Acts required potential voters to take the ironclad oath, which was required of registrars but not of registrants. These occasional lapses, however, are minor. What stands out in this study is Professor Schwartz's competent coverage of the important constitutional problems of the period.

In short, *From Confederation to Nation* is a useful compendium of constitutional developments in the middle of the nineteenth century. For deeper analysis, readers must look elsewhere.

HANS L. TREFOUSSE
Brooklyn College and Graduate Center, CUNY

Canadian and Australian Politics in Comparative Perspective. By Henry S. Albinski. (New York: Oxford University Press, 1973. Pp. viii, 440. $12.95.)

This rich and up-to-date source book on the government and politics of Canada and Australia treats three general categories seriatim: the settings of the societal values, the milieu of organized politics, and the sources and processes of public policy. However, the emphasis on the richness of fact has impeded more profound or thoughtful analysis—and the comparison consists largely in presenting the data for the one country next to those for the other. Unfortunately, the author decided against documenting his study except for actual quotations; therefore, when one encounters statements of fact or opinion that he would like to follow up, he has no idea where they come from. For a book of thoughtful reflection this might be acceptable; but this is more of a factual compendium, and the reader wants more authority than the author's assertion. For instance, we are told (p. 75) that "wealth is easier to acquire in Australia than in Canada." There is no explanation beyond the true but inconsistent fact that "the Australian standard of living is lower than the Canadian." So his former statement is either wrong or in need of explanation and documentation. Similarly we are told (p. 149) about the Canadian anti-trust legislation of 1960 that "a P.C. government enacted stronger but still qualified measures. . . ." Since expert opinion is generally agreed that these amendments were a *weakening* of the legislation, one would like to know the facts or reasons supporting the author's statement. The book contains too many of these unexplained anomalies.

The idea of a citizen of one state writing a comparative analysis of two others is an attractive one. It promises a perspective and therefore a depth of understanding which is in part achieved. But one problem is that Professor Albinski brings a heavily American perspective to the two societies which are most deeply influenced by the United States. Their differences from American patterns are fine nuances, or mildly belligerent assertions of their own identity—and these are difficult for an American to assess. No doubt this is why the sections relating to economic problems show the least sensitivity. The discussion of the political significance of foreign (essentially U.S.) investment is thin, and no probing of its effects beyond the surface is presented; yet this is one of the deepest political problems confronting both countries. It really will not do simply to conclude by saying "One of the factors seriously responsible for retarding a common sense of national identification, namely the weight of American influences, may now actually be contributing to solidifying it" (p. 47). How, one wonders?

The author's American perspective is also evident in his treatment of national symbols; for example, he says: "Canadians on the whole are strikingly unsure of what 'Canadianism' means to them" (p. 23). Of course, because the term, just a transliteration of Americanism, does not fit their value system or their vocabulary! Similarly, when speaking of the Judicial Committee of the Privy Council, Albinski calls it "a foreign court staffed by foreigners" (p. 27). While many Canadians have disagreed with the opinions of this body, it is never because the Committee is "foreign." We are told that "nearly everyone agrees in principle that this anachronism [the fact that the British Parliament must still formally amend the B.N.A. Act] is a *disgrace*" (p. 29). Anachronism yes, disgrace, hardly! This perspective leads the author to mistakes or oddities of expression as well. For example, the term "Parliament" should be reserved for the national lawmaking body; provinces have *legislatures*. Wolfe defeated the French on the *Plains*, not the *Heights* of Abraham; the famous French Canadian regiment is the "Royal 22nd" not the French Canadian 22nd, etc.

This book is at its best in discussing the kind of current issue that is important in the United States. The treatment of civil rights and minority rights is well done, and does not contain the blind spots that Australian and Canadian writers have shown. But whenever an understanding of historical development or tradition is required, the treatment is weak. For example, we are told without explanation or documentation that the Canadian elitest view of society "reflects the tory influence in early Canadian development" (p. 76). Or we learn that "the followers of Joseph Papineau were imbued with a more defensive nationalist feeling than with democratic ideology" (p. 96)—a highly controversial interpretation. We are told also that the CCF doctrine was repugnant to Catholics "because of its intimate association with *fundamental* or at least *nonconformist* Protestantism." Does Albinski mean fundamentalist (surely not!) or non-Anglican (again, surely not, as there is no Canadian established church!).

These little flaws mar a serious and lengthy description of Canadian and Australian politics. They reveal the great difficulty an outsider has in mastering the subtleties of other societies. Professor Albinski has written an impressively broad survey of the two polities, but the comparison is less clear than it should be because he does not assess thoughtfully enough the nature of the two societies as revealed through their historical development. This deficiency is seen in his treatment of contemporary problems facing the countries (such as French Canadian separatism, the consequences of the White Australia policy, and both countries' dilemma over foreign investment and relations with the U.S.A. in general), which are not profoundly analyzed, but are lost in the array of detail and survey reportings. On the other hand, the extent of detail *is* rich and impressive, and an extensive and useful bibliography follows the text.

HUGH G. THORBURN

Queen's University, Kingston, Canada

Hopes and Fears of Israelis: Consensus in a New Society. By Aaron Antonovsky and Alan Arian. (Jerusalem: Jerusalem Academic Press, 1972. Pp. 222. No price indicated.)

This publication is an intensive analysis of data collected in 1961–62 by the Israel Institute of Applied Social Research as part of a 13-nation comparative study conducted by the late Hadley Cantril. Cantril's book, *The Pattern of Human Concerns* (1965), presented survey data concerning the hopes and fears of populations at various stages of political modernization and economic development. Cantril's thesis was that the concerns people expressed, both personal and national, and their ratings of their own and their nation's situation, past, present, and future, fall into characteristic patterns indicating successive phases of development which are common to countries of widely different political structure and ideological commitment.

Antonovsky and Arian, in analyzing the concerns of Israeli Jews, concentrate on correlations which may exist between Cantril's indices of optimism-pessimism and the more usual criteria for classifying political divisions: class and party, ethnicity and ideology. These correlations do not contribute a great deal towards validating the general thesis, that political development is accurately indicated by successive phases of the pattern of human concerns. However, they suggest new theoretical issues and cast interesting sidelights on Israeli politics.

The test of any index of development is, of course, its usefulness, demonstrated over a period of time by taking soundings at successive intervals. The Israeli data in this study, like the other country-studies in Cantril's project, were produced by a single survey conducted in the early 1960s. American opinion has since then shown considerable change in the patterns of concern and level of optimism, after the turbulent days of the late 1960s and early 1970s. It is not surprising that subsequent studies of the Israelis, conducted recently, show a lower level of optimism and some other changes in the patterns of national and personal concerns.

Such a finding, however, would in itself neither validate nor invalidate the assumption that a definite succession in the patterns of human concerns is a reliable index of linear progress in political development. One would need to apply independent criteria of political development—such as efficiency in defining and achieving goals, increasingly extensive goal strategies, combined strength and flexibility in the political structure—to determine the fact of political development, before seeking to correlate it with the changing pattern of concerns.

The Antonovsky and Arian study is interesting in its implicit attempt to derive criteria indicating political development from the materials relating to human concerns. They approach this problem by focusing on the question of "consensus." They recognize the ambiguity of this freely used term and note three of its definable meanings: agreement "on the how of the decision-making process," agreement on "broad policy or ideology . . . the substance of vital decisions about national and personal commitments, the goals toward whose attainment resources are to be allocated, and the priorities . . . ," and finally, homogeneity in the pattern of human concerns (pp. 149–151). It is the last criterion which they seek to examine in detail in the study.

The method assumes that consensus, in the sense defined, exists not simply when "individuals (give) the same pattern of response in speaking of their aspirations and anxieties" but rather that differences in pattern are so distributed among individuals that membership in subgroups within the population "cannot be used to predict how one will order his concerns" (p. 151).

The Israeli data showed a high degree of consensus, so defined, on national and less on personal issues. Neither political ideology and alignment nor "religiosity" divided the Israelis significantly in regard to their personal concerns; but "region of birth, social class and age (controlling for sex) are all powerful discriminators" (p. 153). The high degree of Israeli consensus, indicated by great homogeneity in the patterns of national concerns, would thus seem to have been consolidated by a political organization which had successfully bridged substantial dissensus, in matters of personal concern, generated by differences of age and generation, social class, and "regions of birth" or "ethnicity."

The application of this method highlights certain interesting aspects of Israel's political organization. To obtain a significant division on major political lines among Israel's innumerable small parties, the investigators asked respondents to identify their political *tendency* as left, center or Herut (instead of right). In reply, a significant number (4 per cent) of the total insisted on declaring themselves "Mapai"—that is, adherents of the traditionally dominant faction in the ruling Labor party; and an extremely large number, as much as 25 per cent, declared that politics is of no interest to them" (p. 77).

The "Mapai" group differed from others identified with the moderate Israeli left in being more recent immigrants and more often of Asian-African origin, and their pattern of concerns resembled that of others of relatively lower class. The survey, therefore, throws into high relief a significant constituency division bridged over by common identification with the dominant labor party.

The large group who "in the highly politicized country of Israel" expressed no interest in politics fascinated and puzzled the investigators. They, like the group that insisted on identifying specifically with Mapai, were in large part immigrants, with relatively little formal education, of lower range occupations and class and with a corresponding pattern of concerns.

To explain this phenomenon the investigators apply, dichotomously, the alternative of apathy or apprehension about political involvement. Nothing in the material could lend direct support to either explanation; and they are certainly not the only ones possible. This group, like the "Mapai" group, may, for example, regard the "left, center, right" continuum as unreal for Israel, and see their true choice as being limited to support of specific parties. Unlike the "Mapai" group, however, they may consciously reject such identification—a response which would correspond neither to apathy nor to apprehension.

The authors may have grounds, in their immediate contacts with the respondents or even in their personal perceptions of Israeli society, to focus on the two possibilities they discuss; or, perhaps it is the way in which the Cantril assumptions frame those perceptions which highlights these particular possibilities. Recent developments in Israeli political life would suggest that a degree of positive disaffection with Israel's party system, rather than apathy or apprehension, deserves further examination. On the other hand, one could still endorse the authors' pertinent observation that even Israelis who may disengage from the country's party politics share with the others in an unusually strong consensus in regard to national concerns.

Ben Halpern

Wellesley College

Colonialism, Development and Independence: The Case of the Melanesian Islands in the South Pacific. By H. C. Brookfield. (Cambridge: Cambridge University Press, 1972. Pp. xvi, 226. $16.50.)

Colonialism, Development and Independence is a largely historical account of colonialism and development in Melanesia. The author, a geographer, is primarily concerned "to interpret the temporal processes that have created and transformed spatial patterns" (p. x); more specifically the book reviews the Melanesian experience in relation to the author's postulated model of the colonial sequence. This model is summarized in chapter 1:

> The early colonial phase is the period of penetration of the residentiary complex and establishment of the basic structures of the invading system. External political control is usually achieved within this period, but not necessarily at an early stage. The succeeding period of high colonialism witnesses major transformation of the residentiary complex under dominance by the external agencies. Dualism emerges strongly, and empire is seen as a semi-permanent condition. But the stability is illusory, for forces are evolving both within the residentiary complex and in the metropolitan countries which will lead to new striving on the one hand, and weakening expansionist will on the other. The succeeding late colonial phase is characterized especially by growth of the public sector, the resultant of both sets of forces. Political independence comes at some stage in this period, but a true postcolonial phase can hardly yet be recognized, except in former colonies of settlement which have become new societies in the metropolitan image (p. 18).

As a corollary, political control by an external power is only one phase of the total phenomenon of colonialism, and political independence by itself does not end colonialism so long as the territories remain dependent on the colonial commercial system to maintain their economies. The measure of success or failure of the colonial process is thus the progress toward creation of a mixed economy which can retain and widen the external linkages created by colonialism but in a more equal partnership with the external world.

In subsequent chapters the author argues that the colonial commercial system inevitably operates mainly for its own benefit and that while its trading requirements have led to rather intermittent encouragement of residentiary participation other than as labor, there has also been conflict of interests between residentiary development and the demands of expatriate producers; when it has been possible to import labor and to operate a whole economic system from which the residentiary population is effectively excluded, this has been done. Then in modern times governments have given priority in developmental policies to maximizing growth rates of national income and have not adequately developed and implemented distributional or "equity" policies. The effect of this, the author argues, has been to reinforce the colonial economic structure inherited from an earlier and overtly exploitative period.

Professor Brookfield clearly has been influenced by recent writing on the Caribbean and by authors such as Dumont and Frank (whose writings he cites). This inspiration, together with Brookfield's familiarity with the Melanesian situation alone are sufficient to insure an interesting volume. And the achievement of integrating such a wide span of historical, economic, social and political data further commends it. As against this the book is perhaps a little disappointing on two counts.

First, the analysis of colonialism, trade patterns, and multinational corporations since the 1950s is somewhat superficial. More, for example, might have been said on the role of large foreign-owned corporations, especially with regard to vertical integration within the Melanesian economies, and more needs to be said on changing patterns of trade. In an attempt to generalize within the colonial sequence model, the author frequently oversimplifies the relation between colonialism and "dependence" on international trade; he also understates the growing role of Japan in particular, in the Melanesian economies —a role that should remind us that the development of a dependence on external trade is not a phenomenon unique to colonial or former colonial economies. Second, the discussion of policy alternatives for the Melanesian countries is weak. The author seems to be in favor of obtaining equity in foreign enterprises and seems to commend economic autonomy—both positions which might be strongly challenged on distributional grounds alone—but the discussion of these, and of other alternative strategies is limited.

About 30 pages are devoted to contemporary politics—roughly half on administrative and constitutional structures, the rest consisting of short commentaries on such topics as protest movements, political pluralism, boundaries and the role of the army. The politics of latter-day colonialism, especially, perhaps, the question of relations between national governments and micro-nationalist political movements is treated fairly lightly.

These reservations aside, *Colonialism, Development and Independence* provides an excellent introduction to the colonial experience in this part of the world, and one hopes it will make a useful contribution to the growing discussion of developmental alternatives in the Melanesian countries.

R. J. MAY

Australian National University

New Earth: The story of an early collective farm in East China's Chekiang Province in the 1949–56 period. By Jack Chen. (Carbondale: Southern Illinois University Press, 1972. Pp. 258. $7.95.)

This is a reprint of a book originally published in 1957—a time when most Americans interested in China were, to say the least, skeptical that the monumental experiment then in full bloom really was making fundamental transformations in the Chinese earth, or that the changes taking place would in the end come to much more than had earlier reform movements. It was also true that no Americans and few Westerners had had any opportunity of seeing for themselves. Consequently, reports such as this one tended to be dismissed as wishful thinking or rank propaganda.

As of the last two years, a lot of us have now been in China—and the fortunate ones are those of us who knew China before the Liberation. Without this basis for comparison something of the magnitude and meaning of the changes is inevitably lost. Jack Chen, son of Eugene Chen, Foreign Minister under Dr. Sun Yat-sen, and other reporters like him must now be taken seriously. China, after all, is still a going concern. Only the most dedicated, and even professional, skeptics can really doubt that it will continue to be one, despite the periodic scare headlines in the Western press about political conflict which somehow seems to have remarkably little impact on the evolution of the Chinese scene. Doubtless there will always be those who, for reasons of their own, want China to fail. Chen, incidentally, lived in China again from 1950 until recently.

In 1949, Chen tells us, few in Chekiang could remember anything except chaos, disruption, marauding banditry, and landlord exploitation. It had also been an area peripheral to the Kiangsi Soviet with all the hazards that proximity entailed. Chen tells us how with the coming of the Communist cadres in 1949, life began to settle down for the first time in the memory of most, offering the opportunity for rebuilding.

Chen points out one of the most interesting aspects of what happened thereafter: how much of the initiative for change came from the peasants themselves out of their evolving experience. Of course there was guidance and suggestion from the cadres, who no doubt had their guidelines from higher up; but this always took into account what the peasants were thinking, how they could be moved, and how fast. Reluctant or unconvinced peasants usually meant failure. Chen's account ends just before the commune period of 1957, although some peasants were already beginning to think along those lines and despite the fact that there were directives from someone in Peking to dampen the collective movement.

Chen makes no effort to play down the failures, the backsliding of many, the suspicion of many peasants of new ideas, and the sheer weight of organizational difficulties.

Still, despite the problem, individual cooperation moved into seasonal co-ops, into permanent co-ops, and into collectives. And just over the horizon lay the communes and the Great Leap which was not the unmitigated disaster some have portrayed. With it all, there was a rising standard of living, and a sense of having done it themselves beyond anything the average peasant could have dreamed he would enjoy. There were imposing obstacles ahead, but anyone who has seen a variety of communes recently can hardly doubt that they too were solved. Again, it helps to remember what it was all like twenty-five years ago when China was one vast sea of misery and few would have dared predict that in so short a time the masses would achieve decent standards of living and self-respect.

JOHN F. MELBY

University of Guelph, Ontario

Richelieu and Reason of State. By William F. Church. (Princeton, N. J.: Princeton University Press, 1972. Pp. 554. $20.00.)

Colbert often opened his remarks at the council table with the statement: "Sire, the great Cardinal Richelieu wrote . . . ." This gambit was not always pleasing to Louis XIV, who believed that Richelieu had made a "do-nothing" king of his father, and yet one has only to follow the reforms of the Sun King's reign to see how deeply Richelieu's influence was felt in the generations that followed his ministry. This book is at once a good critical summary of Richelieu's government, an analysis of the forming political parties, the propaganda, or perhaps better said, educational efforts of both the Cardinal and his opponents, and, finally, a statement of Richelieu's political philosophy. Professor Church must be congratulated for his success in presenting a first rate picture of a really important political figure of the seventeenth century.

Too often it is forgotten that Richelieu's first roles on the stage of French politics were both as a creature of the queen mother, Marie de Medicis, and a partisan within the bosom of the party that came to be called the *dévots*. Professor Church carefully explains the process by which Richelieu was persuaded to rethink his position vis-à-vis Catholic politics as an effort to return Europe to the Roman Church, and his obligations to the kingdom of France as an organic reality in the high politics of Europe. In the process he lost the favor of his first patron, the queen mother, and many of his clerical friends who firmly believed that his anti-Hapsburg policy, which involved alliances with heretical princes, was both mistaken and sinful. Professor Church ably explains how Richelieu was able to keep the trust and support of his king in the difficult days during which this policy was so heavily under fire from its opponents. Church calls the period after 1630 when, with the day of dupes behind him, Richelieu pushed the kingdom along the road to great power in Europe by ruthlessly organizing the kingdom for war, the "Climax." One might question the word-usage, but in this section we see the emergence of Richelieu's conception of the kingdom as an organic unity with an interdependent, hierarchically organized society that could be directed to the interests of the state. These interests were, of course, the goals that he and the king had agreed upon.

No review for a political science journal should omit the fact that Church has cleared away much nonsense about Richelieu's conception of the "reason of state." Too often uninstructed students have assumed that seventeenth-century men thought just like men of the nineteenth and twentieth centuries; indeed, many historians seem to equate Richelieu with the secularly minded statesmen of their own day. Church has shown us clearly that Richelieu, like Cromwell, Emperor Ferdinand II, or for that matter, Louis XIV and Mazarin, was a true Christian and firmly believed that God placed greater obligations upon rulers, and held them more responsible for their acts, than He did ordinary people. The student who fails to understand this theocentric world in which "God's will was done on earth as it was in Heaven," will never grasp the inner workings of seventeenth-century life and politics. Church clearly shows us that the dominant note in Richelieu's thinking was "that France was a Christian state, governed by a Christian monarchy" (p. 507) and that all elements of Royal policy should accord with the precepts of justice and Christian morality. His policy might lead to "harsh discipline, seemingly arbitrary punishments, subordination of all to the public good, and even a special morality of politics," but all these things were transitory, "whereas the principles that the state served were . . . eternal" (p. 504). Richelieu really believed that his policies of state were founded on Christian reason. On his deathbed he said: "My Master, there is my judge who will judge me. I pray to Him with all my heart that He will condemn me if I have had any intention other than the good of religion and the state" (p. 504). Surely few modern statesmen could be imagined saying this when faced with the ultimate end of life.

This book is firmly based on the source material available in the printed and manuscript materials in the *Bibliothèque nationale*. The bibliography will long serve as a checklist for the contemporary pamphlets and books needed for any understanding of Richelieu's policies and problems. Professor Church has placed us all in his debt by producing this excellent book.

John B. Wolf

University of Illinois, Chicago Circle

Leon Trotsky and the Politics of Economic Isolation. By Richard B. Day. (New York: Cambridge University Press, 1973. Pp. 221. $10.95.)

This brief study by a University of Toronto economist is in substance an investigation of the theories of foreign economic policy entertained by the leaders of Soviet Russia during the first decade of their regime. Leon Trotsky figures as the central though by no means exclusive figure, on the basis of his "theory of permanent revolution" which set the terms of debate about Russia's vulnerability to or dependence on the outside world, and through his focal involvement in the policy controversies that accompanied the succession struggle of the 1920s.

Professor Day offers a novel and persuasive thesis about the factional debates over world revolution vs. "Socialism in One Country" (though he overstates the explanatory force of his conception)—that the issue was not the priority of international revolution, but rather between "isolation" from or "integration" into the world capitalist economy as the optimal condition for building socialism in Soviet Russia. He further proceeds, in a detailed chronicle of the debates on this issue, to lay bare the day-to-day complexity and inconsistency of the various principals' views in this area. In particular he argues that Trotsky and his adversaries (especially Stalin and Rykov) basically swapped positions between 1920 and 1925–27. Trotsky, Professor Day demonstrates, moved from a stance of self-sufficient isolationism and industrialization by pure labor effort in the epoch of War Communism and Intervention, to a doctrine of rapid industrialization through mutually beneficial trade with the capitalist world, while his adversaries had shifted by the mid-20s to a model of less ambitious but essentially autarchic development. In Day's words, "When Trotsky thought Russia had no alternative but isolation, his opponents favored integration. When Trotsky endorsed integration, others advocated Russia's isolation" (p. 179). The notion, born in Trotsky's prerevolutionary writings, that Soviet Russia could not survive without timely political support from an international proletarian revolution, Professor Day consigns to the "myth of Trotskyism," concocted by Stalin and Bukharin and reconfirmed by Trotsky himself only in his post-exile polemics.

The economic debates in Russia in the 1920s have considerable universal significance as a source of theoretical models for the industrialization of developing countries, of which the Soviet Union was then more or less a prototype. The discussions of foreign economic policy on which Professor Day focuses raised all the familiar questions of how a developing country might get help—technology, capital, or mere trading opportunities—from the advanced capitalist states without compromising its political and economic independence. More specifically the Soviet Union of that period offers a model of the semi-developed country that has nationalized all foreign investments and then discovers it still needs more capital. The alternatives at this point have been analyzed by Alexander Erlich and others, as gradual self-contained development (the Bukharin line) or as a crash program based on exploiting the country's own peasant majority for the necessary capital (the Preobrazhensky line). Professor Day revises the prevailing conception of this debate a bit, by distinguishing the Trotsky of the mid-'twenties from Preobrazhensky and others who were his political followers in the Left Opposition. Particularly in his post-exile critique of the First Five-Year Plan, Trotsky appears much closer to the 1927 Bukharin-Rykov compromise of moderate planned industrialization, with an emphasis on the utilization of trade and market relations both domestic and foreign. Day attributes to Trotsky the term "market socialism," now commonly applied to Yugoslavia and other reform efforts in Eastern Europe, although in the source cited of 1932 Trotsky confines himself to the trinity of "state planning, market, and soviet democracy" (*Bulletin of the Opposition*, #331 [1932], pp. 8–9). Contrary to the conventional view of Isaac Deutscher, Alec Nove, and many others, Trotsky was in no way the author of Stalin's method of industrialization; "Only in the limited sense that Stalin was reviving War Communist policies," Day concludes, "could it be said with Deutscher that Trotsky was the inspirer of Soviet industrialization" (p. 187).

For all the thoroughness of his account of the debates on international economic policy, Day does not come to grips with the doctrinal implications of Stalin's theory of "socialism in one country," as a contrived defense against the Opposition's innuendos of petty-bourgeois "Thermidorian" backsliding, that set the stage in turn for the whole system of doctrinal manipulation and discipline subsequently imposed by the General Secretary. Day unfortunately omits altogether the key exchange in 1926 when Stalin was called to account by Trotsky, Zinoviev, and Kamenev for his falsification of Lenin and could only invoke the power of the party organization to silence his critics. Nor does Day explicitly question the terms of the Marxist frame of reference within which the Soviet leadership operated. He therefore neglects to deal with what his detailed record graphically implies about the confusion and obstruction of the policy-making process among the Soviet leadership of the 'twenties caused by the assumptions, obsessions, and scholastic disputes associated with their dogmatic commitment to Marxist doctrine. One of the most important though difficult things to recognize in Soviet studies is that the actual theoretical formulations of Marxism proved to be largely irrelevant if not simply wrong under the conditions of the revolutionary Russian regime. Much more consistent with the circumstances of a revolutionary government in a developing country would have been a combination of Russian Populism (emphasizing willful leadership, the peasant base, and a non-Western path of development) and St. Simonism, recognizing the centrality of industrialization, technology, and the role of the managerial elite. Such a standpoint would have been far more consistent with reality and would perhaps have avoided the extraneous issues aroused by the notion of a world revolutionary mission. But as events turned out, Russia was saddled with a burden of irrelevant but fanatical doctrinal commitments that both obstructed rational policy making and put a premium on the repression of dissent.

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The Liberation Movement in Russia, 1900–1905. By Shmuel Galai. (New York: Cambridge University Press, 1973. Soviet and East European Series. Pp. 325. $22.50.)

Historians of prerevolutionary Russia have, for obvious reasons, devoted a great deal of attention to the development of political organizations and their elaboration of political and social theory. The organizations—from which political parties emerge after 1905—range from conspiratorial and terrorist groups, at one end of the spectrum, to associations of *zemstvo* activists and professionals and various special-purpose public committees at the other. Given the inhibitions on any kind of political organization, the boundary between illegal revolutionary association and legal public activity was vague and shifting. The "liberation movement," uniting *zemstvo* nobility and radical intelligentsia, straddled the boundary. Its journal *Osvobozhdenie* (Liberation) was edited abroad by the ex-Marxist Peter Struve and smuggled illegally into Russia; inside Russia the movement's support came from moderate constitutionalists and even liberal Slavophiles of the nobility and the professions as well as from radical *zemstvo* employees. The "liberation movement" was the forerunner of the party of constitutional democrats (Cadets), which was the liberal party of the period between the revolutions of 1905 and 1917. But because liberation—meaning, among other things, achievement of the legal right to political organization—involved a radical and perhaps revolutionary change of the existing order, even the principled liberals (a minority) in the "liberation movement" were radicals and potential revolutionaries.

Russian liberalism (or "liberalism") has been studied before: in George Fischer's *Russian Liberalism* (Cambridge, Mass.: Harvard UP, 1958), Richard Pipes's *Struve, Liberal on the Left, 1870–1905* (Cambridge, Mass.: Harvard UP, 1970), and to an extent also in Mendel's *Dilemmas of Progress in Tsarist Russia* (Cambridge, Mass.: Harvard UP, 1961) and Kindersley's *The First Russian Revisionists* (London and New York: Oxford UP, 1962). But there has been no previous monograph on the "liberation movement" as such, and Professor Galai's book is a valuable addition to the literature. It does not break new conceptual ground, for it is placed squarely within an existing framework of historical investigation. This is natural, since the monograph is based on a 1967 doctoral dissertation written for London University under Professor Leonard Schapiro, one of the most distinguished historians of Russian and Soviet politics. Professor Galai has done an admirably thorough piece of historical research, and presents the results in a clear and scholarly way. There is no extant archive of the "liberation movement," but he has drawn on a very wide range of materials—newspapers and periodicals, memoirs, Soviet publications of the 1920s (a valuable source which some Western historians overlook), recent Western and Soviet scholarship. The book has a really excellent bibliography, unparalleled in any of the existing published work in this area.

Looking at the historical field in general, we may say that we now have an almost completed edifice of research on political organizations and social thought in Russia from the emancipation of the serfs (1861) to the October Revolution (1917). There are still gaps, but most of them are being filled by work now in progress. What that means is that we know a great deal about a couple of hundred individuals with an interest, usually frustrated, in political participation and radical restructuring of the processes of government. Political scientists may, perhaps, be able to generalize on the basis of this information about the political learning process in a politically backward country. But it seems to me that the historicans should now begin to look elsewhere—for the Russia which was actual and present in the half century before the Revolution, not absent, desired, and potential. There is a disproportion in the historical work as it now stands between intellectual and political history, on the one hand, and institutional and social history, on the other; moreover the study of the political history has been heavily weighted toward opposition and against government (both at the level of policy and that of bureaucratic implementation). The same situation obtains in Soviet history where, with notable exceptions, the scholarly standard is much lower. Isn't it time, in both fields, for a change of landmarks?

SHEILA FITZPATRICK

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Soviet Decision-Making for Defense: A Critique of U.S. Perspectives on the Arms Race. By Matthew P. Gallagher and Karl F. Spielmann, Jr. (New York: Praeger Publishers, 1972. Pp. 112. $12.50.)

This brief but stimulating book is a worthy contribution to the literature on the elusive question of top level decision making in the U.S.S.R. This question more than ever requires analytical attention, making the book under review most timely, in view of important developments such as the dramatic change in the U.S.-Soviet strategic balance since the early 1960s, the negotiations on the Strategic Arms Limitations and on Mutual and Balanced Force Reductions in Europe. In turn, these developments relate to more than military matters. The current Soviet attempt to obtain Western technology and scientific know-how is designed to make up for the neglect of non-defense areas caused by the disproportionate allocation of resources to defense. (One figure capsulizes this situation: the Soviets have devoted some 80 per cent of their research and development funds to military purposes.)

The relationship for the U.S.S.R. between the recent strategic agreements, such as SALT I, and the U.S.-Soviet Agreement on Cooperation in

Science and Technology is pointed up by the authors' discussion of the key role of the Soviet scientists in both defense and civilian activities. Gallagher and Spielmann, Washington-based analysts with the Institute for Defense Analyses, appropriately note that most of the best Soviet scientific talent is channeled to defense work by personal material incentives (higher salaries, dachas, etc.), better research equipment, etc.; but because of their involvement in a sensitive area, far more broadly defined than in the West, these scientists are put beyond the pale in terms of normal contact with foreign scientists. Therefore, a Western-Soviet agreement on scientific cooperation may on the whole offer the West exposure only to the second-best Soviet scientists, putting in doubt the mutually declared objective of deriving equal benefit from such an agreement.

According to the authors, their book is not meant for Soviet specialists and political scientists but for U.S. technicians involved in defense decision making. The intent is to warn them against applying erroneous analogies to Soviet decision making by inferring that apparent symmetries in technological development on both sides in the postwar nuclear-missile era dictate comparable decision making processes. In this context, the major U.S. assumptions or models of Soviet decision making, such as action-reaction by each side to weapons development by the other, are critiqued. But this appraisal is too superficial and sketchy, a regrettable fault since it belies the subtitle which promises more than the book delivers. While the book is tightly written and pointed, economy of words in this case is not a virtue.

This fault, however, is more than made up by: (1) a lucid description of the formal Soviet decision making process, in terms of the key institutions involved in the process; (2) an examination of how the organizations interact in reality, and (3) an analysis of how the variance between the actual behavior of these organizations and their nominal role affects Soviet defense policy.

The discussion of each key element in that policy process—the political (Party and state organs), the military, and the scientists—is, within the confines of a slim volume, thorough. By the logic and evidence presented, it confirms the basic tenets underlying the Soviet system to date. These include the absolute dominance of political considerations over any narrow economic, technical or military views. In this context, the Party, particularly its top leadership, has total monopoly in defining the political considerations that govern decisions in such areas as defense. (One can add that this monopoly applies equally to every other area, be it economics, sociology, or literature.) As the authors appropriately point out, this monopolistic approach continually produces for the Party the dilemma of control vs. efficiency, a dilemma which in every case is resolved in favor of control.

This reaffirmation of the basic tenets governing the Soviet system is most timely, given recent expositions in the West on possible takeover of policy control by specialist interest groups such as the military or technocrats. The simpler answer to such postulations, of course, is that if such a takeover occurred, we would no longer be dealing with the Soviet system. That system continues to be based, as the Soviets put it, on "the fundamental of fundamentals" (*osnova osnov*) of Party control over all segments of the system.

The authors could have strengthened their case by examining thoroughly the implications of the differences between a pluralistic society in the U.S., in which alternative views can be presented and argued publicly, and the monopolistic Soviet system, in which the information media are under exclusive State control and the decisions are made by the top on the basis of "in-house" arguments. However imperfectly public opinion in the U.S. may exert its weight, the U.S. political structure at least offers it a voice. In addressing the specific role of scientists and technocrats in decision making, the authors fail to examine relevant fundamentals such as the structural, institutional differences that affect the input of the specialists in policy decisions. In the U.S.S.R. all scientists, being government employees, are at the command of the state. In the U.S., scientists are fragmented among government, industry, and university laboratories. Unlike their Soviet counterparts, they have a choice of "dropping out" of defense-oriented activities, if they have any qualms, and pursuing equally or possibly more attractive civilian alternatives. Moreover, U.S. scientists can take their disagreements with official policy, however unsuccessful they may be in any particular case, into the public arena. To do so, they can resort to alternative nongovernmental media, public organizations and political parties. A sufficiently aroused public opinion can ultimately reverse U.S. governmental policy. No such possibility exists in the U.S.S.R. The limits on arousing Soviet public opinion in the face of one party, and of governmental control of all media and social organizations is illustrated by Academician Sakharov's case. As one of the fathers of the Soviet H-bomb, Sakharov tried to induce change by working within the system, e. g., by writing internal memos to Soviet leaders; he then was driven by the frustration of the regime's nonresponsiveness, to step outside the system with the well known results of being ostracized and cut off from access to the Soviet people.

A more detailed and explicit examination of these structural, institutional differences would have made more persuasive the authors' case against misleading analogies between U.S. and Soviet approaches. The analogies have taken the form of convergence theories that seem to reflect a lack of appreciation of the fundamental differences between closed and open societies. The inability to make such differentiations could lead to the danger that possible *technological* convergence will be mistaken for nonexistent *political* convergence.

JOHN R. THOMAS
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Justice in South Africa. By Albie Sachs. (Berkeley: University of California Press, 1973. Pp. 288. $9.00.)

The sight of a solid, informative, thorough study like the one at hand cannot but gladden the scholar's heart. Scholarship, after all, is still alive. The University of California Press series, "Perspectives on Southern Africa," is a happy exception to the prevailing mediocrity of output. Albie Sachs, a distinguished South African lawyer, has produced the best study so far of the South African legal system "with its flourishing legal profession, bustling courts, vast prison population and busy gallows" (p. 17), from its origins in the Cape in the 17th century to the present. His book is among the top ten or twelve works published about South Africa in the past decade.

Sachs clearly presents the conflict inherent in the South African legal order:

> The need to reconcile the theory of juridical equality with the practice of race inequality gave the legal system a contradictory character that has persisted to this day. On the one hand the courts provided a forum where the poor and the dominated could seek redress . . . on the other they furnished the machinery for the massive suppression and punishment of persons threatening the peace and property of the dominant community. . . . As social conflict increased, benevolent judicial paternalism became more difficult to maintain, and the courts lost some of their earlier liberalism and prestige (pp. 12–13).

The first half of the book takes the complex and grisly story of "justice" in South Africa to the modern period. It deals with the intricacies of the interplay between Roman-Dutch and English Common Law at the Cape, the slavery issue, the incorporation of indigenous groups with entirely different legal systems, and the legal systems of the Boer Republics.

The second half, entitled "The Modern Machine" begins with the Anglo-Boer War and the establishment in 1910 of a unitary legal system for the whole of South Africa. In this part of the book, Sachs documents in detail how the law is used to maintain racial inequality in South Africa, as well as the extent and thoroughness with which racism is entrenched in the law. Nearly half (44 per cent in 1967) of all prosecuted offenses in South Africa, for example, are not common law crimes, but violations of apartheid laws that only affect nonwhites. Proportionately to population, eleven times as many people go to prison in South Africa as in Great Britain, eight times as many as in Ghana, four times as many as in Tanzania and Kenya. During the 1960s, there were 948 legal hangings in South Africa, and the annual rate keeps increasing. Between 1961 and 1965, a total of 1033 executions were reported to the United Nations for the *entire world;* South Africa alone, with approximately one half of one per cent of the world population, accounted for 508 of them, or 49.2 per cent of the total. This represents *one hundred times* the world rate. Needless to say, nearly all executions are of blacks, for political as well as for common-law offenses.

"Modernization of the Union of South Africa," concludes the author, "did not lead to a relaxation of race domination but rather to an improvement in the techniques of control and greater sophistication in its justification" (p. 200). Reading about South Africa is always depressing; living in it is horrifying. Like thousands of decent, law abiding South Africans who in the end can no longer tolerate living in a society where the rule of law has become a bitter farce, Albie Sachs chose exile. Powerless to change that system, Sachs, like hundreds of distinguished South African intellectuals, bore witness to injustice, both inside and outside his country. The least we can do is listen to him, and keep the conscience of the world awake. My only criticism of Sachs is that the word "justice" in the title of his book should have been in quotation marks.

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Federal-Provincial Diplomacy: The Making of Recent Policy in Canada. By Richard Simeon. (Toronto and Buffalo: University of Toronto Press, 1972. Pp. 324. $10.00.)

Professor Donald Smiley has written that "the fields of Canadian federalism and comparative federalism are not characterized by analytical rigor . . . ," and that one can do no more than " . . . try to describe the interrelationship between what may loosely be described as the subsystems of Canadian federalism—and in particular those of the formal/constitutional, the partisan/political and executive systems" (*Canada in Question: Federalism in the Seventies*, p. 3). Until I read Professor Richard Simeon's book, I would have agreed generally with Smiley's argument. Simeon, however, does go beyond description in his examination of the dynamics of intergovernment relations in Canadian federalism. Changes in Canadian federalism in the 1960s are analyzed in three areas of federal-provincial negotiation—the Canada Pension Plan, financial agreements, and the terms and meaning of the British North America Act.

These particular negotiations were chosen by Simeon because each is crucial for both the federal and provincial authorities and provides a scenography of federalism which brings into perspective the broad levels of analysis employed. There are: (1) the social and cultural characteristics of the Canadian polity, (2) the constitutional context and its attendant institutions, and (3) the particular norms, attitudes, and goals of the decision makers who participated in the bargaining sessions. Simeon got the insiders' perceptions of issues by a series of 129 interviews, 120 of which were with participants in federal-provincial conferences from 1964 to 1968. Within the context of the conferences there develops a perspective of the complexity of decision making when eleven governments are involved.

A bargaining model of international relations is used as a framework for the analysis. Within the framework, Simeon draws upon the shifting positions of the different actors before arriving at mutually satisfying decisions. Hence federal-provincial diplomacy is an apposite descriptive phrase for the approach used. Diplomacy underlies the bargaining between agencies of power. While not in accord with the strictest application of the term (diplomacy) where the bargaining powers would be agents of independent national states it is really the basis of Simeon's approach.

He therefore devotes the first half of the book to a description of the pension, financial, and constitutional negotiations. Each is treated chronologically with special emphasis on the role of each province as interpreted by their diplomats pitted against their federal counterparts. From these adversary discussions Simeon, by careful interspersion of material gathered in the interviews shows the variation in attitudes addressing the particular issue as the direction of negotiation shifts. These shifts and variations reflect the admixture of regional, cultural, ideological, and pragmatic dispositions of the participants. Concentration is centered on British Columbia, Manitoba, Ontario, Quebec, and New Brunswick. This short historical treatment shows the ability of certain provincial governments to capitalize on the particular type of supportive norms within their particular region. Quebec also has the added cultural ethnic variable to buttress its position. One can, in reading the section, see the gradual hardening of the federal position in the later financial and constitutional conferences as a reaction to the inadvertent granting of *statut particulier* to Quebec on pensions.

In the last 189 pages Simeon concentrates on the diplomatic modes he uses to measure the effectiveness of federalism during the 1960s. Such things as sites, issues, goals, political resources, strategies, and outcomes enable the author to introduce a new dimension in his analysis of the Canadian federal system. Where Professor Smiley has posited the idea of executive federalism, Simeon brings the concept closer to reality by discussing actors within the executive: the premiers and prime ministers, the role of different ministers of both federal and provincial governments and counterpart senior officials.

Emphasis on negotiation leads Simeon to several conclusions. First it affirms the "failure of Parliament to act as an arena of federal-provincial adjustments" (p. 280). Parliament's role was mainly to ratify what had been decided by ministers and Civil Service mandarins. Not only do the House of Commons and the legislative assemblies of the provinces play a muted role in policy but interest groups are similarly unable to keep up with the changing complexity of the negotiations investigated. This is particularly true in the Canadian Pension Plan. Generally too the patterns of conflict of government vs. government in Canada tone down the role of parties and to some degree, political partisanship. This picture Simeon contrasts with the practice in the United States, where the party system serves as one of the main congealing factors in federal-state relations.

Since legislatures, political parties, or interest groups lack any explicit effect on the particular negotiations Simeon analyses, what is the distinctive characteristic of Canadian federalism? Simeon argues that Canadian federation displays some of the attributes of what Lijphart has called consociational democracy. In Canada's case this means that conflict is regulated by isolation between subcultures (in this case English and French); and with considerable deference to elites in both cultures, by elite domination of the bargaining process. One underlying feature of consociational democracy is that general goals of the elites must be tacitly accepted by their followers. While federal elites from Quebec have accepted national unity as their overriding consideration this does not necessarily hold true for provincial elites from Quebec. What is most interesting about Simeon's insight into the cultural dimension is that interviewees from both federal French and Quebec elites indicated that they were never far enough apart to destroy the union. This is true at least during the sixties. Public pronouncements and veiled threats to the contrary, the insiders were wary of letting the conference talks become too embroiled in brinkmanship bargaining. To a lesser extent, while lacking the cultural and ethnic ploy, the Western provinces did promote their own particularisms to push regional economic interests, but not beyond conciliatory norms. Maritime representatives usually supported the federal position and by the end of the decade had the expertise to enlarge their relative financial share.

The foregoing indicates how at the citizen level loyalties are directed mainly at the regional or provincial governments except in Ontario. At the institutional level, however, the constitution provides for a distribution of powers which directly affects all eleven governments in Canada. Given Canada's regionalism the institutions of government have tended, particularly in the 1960s, to work toward decentralization. This was possible because the nationalizing effects of federal institutions were weaker at the end of the decade. Finally, within this federal-provincial bargaining system, the relative skills of the diplomatists largely determined the outcome.

Basically Simeon has provided an analysis of Canadian federalism which breaks down the rigidities of two levels of executive, legislative, and administrative authority acting on one conglomerate public. While he may have somewhat misconstrued the realities of power in the various factors which he interpreted as affecting the federal-provincial bargain, his over-arching approach breaks new ground for understanding federal systems. I should like to have seen more comparisons made with Australia, Germany, and perhaps other federations. Nevertheless, the value of the book far exceeds its shortcomings, and it is essential reading for those seeking an understanding of Canadian federalism.

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Governing Soviet Cities: Bureaucratic Politics and Urban Development in the USSR. By William Taubman. (New York: Praeger Publishers, 1973. Pp. xvii, 116. $15.00.)

William Taubman is one of a growing group of Sovietologists who are turning to the study of urban affairs to further their understanding of the routine working of the Soviet political system. The general premise of this group is that despite recognition of the dominant role of the Communist Party and general central control by the Politburo and the Central Committee apparatus, the analysis of activities of numerous lower-level political participants is crucial to the understanding of the who, why, and how of routine Soviet decision making, information transmission, and administrative implementation.

In his *Governing Soviet Cities*, Taubman presents the fountainhead of Soviet urban politics as "the division of bureaucratic labor" (p. 18). The clash of local institutions; industrial, municipal and Party, each pursuing its own particular interest and backed by its own patron institutions in the general hierarchy of Soviet politics, is not totally foreign to the student of American politics. Indeed, Taubman couches much of his discussion in terms drawn from the study of American communities.

Large industrial enterprises, financed by and subordinate to nonlocal government organs, are analyzed as "economic notables." Their weight in the community and the importance of their patrons render them sufficiently powerful to attempt to defy the municipal authorities, ignoring their directives if this is necessary for compliance with the overriding imperative of higher industrial production. New cities, springing up at the rate of nearly a hundred a year for the last fifty years—nearly 3,700 new cities between 1926 and 1959 alone (not 700 as misprinted in Taubman, p. 21; cf. his appendix A, p. 117)—are often dominated by a single industrial plant in their first years of existence. Not unjustly, Taubman treats them as company towns and examines the problems of nonmunicipal control of the new city's housing, utilities, and services accordingly.

The matrix within which the study is conducted is the decision taken by the Soviet government in 1957 to broaden the powers of local councils, transferring to them the responsibility for building, maintaining, and administering the entire framework of urban amenities. The relevant statutes were, however, so general and so unclear that in most cases the entrenched industrial institutions had little difficulty in hanging on to the prerogatives and budgets that had been traditionally theirs, continuing to use these as a means to augment scarce resources and attract and hold scarce production manpower.

In addition to the influence of the pressure for production, Taubman examines a number of factors relevant to the weakness of municipal governments as against the industrial concerns and Party authorities. One of these is the separation of planning for industrial development from budgeting for expansion of municipal services. Both of these are hierarchically but separately determined. Municipal authorities, the body most interested in coordinating the two processes, are restricted to a minor and ancillary role. Perhaps even more fundamental in the weakness of the local soviets is the crippling lack of trained administrative cadres, which, as Taubman shows, hampers the operations of even the most successful municipal governments. The local soviets in general, but particularly those in the smaller towns, appear to be low in the scale of priority in the manpower-short Soviet Union. "Answerable for housing and services, mayors preside over shortage; responsible for the law, soviets countenance its violation; guardian of the city interest, the *ispolkom* (municipal executive committee—T.F.) fails at city planning. Municipal personnel are often ill-trained, ill-equipped and ill-paid" (p. 109). When this reaches an extreme, the local Party Committee simply takes over, governing in the soviet's stead. Fortunately for politics (and perhaps for Soviet cities and their citizens as well), this dark extreme is becoming the exception rather than the rule.

Drawing on press discussions of the post-1957 period, Taubman analyzes the problems typical to various categories of Soviet cities. He examines cases in which effective mayors led a valiant, and sometimes successful fight for urban rights. It is in these cases that a picture of intricate, pluralist politics emerges. City fathers stand against the "economic notables," mobilizing the law, the Party, and central government in an attempt to shame or force the industrialists into doing their part for urban development.

While Taubman integrates concepts of comparative politics skillfully and consistently into his analysis, his unchecked ambition of tilting with every political theory in sight is disquieting. The two pages he devotes to dismissing interest-group analysis of Soviet politics is quite inadequate; the passing wave to Oscar Hirschman's theory of unbalanced development is suggestive, but unelaborated; and the inconclusive toying with convergence theory that ends the book might better have been left out altogether, expanding in its stead the genuine contribution which Taubman makes in his discussion of elitist and pluralist factors in the analysis of Soviet politics.

In drawing conclusions from his work Taubman points to the need for revision of the image of a single centralized Party control as a ubiquitously decisive feature of Soviet politics. He suggests that there is no single united Party, just as there appears to be no inevitable confrontation between Party functionaries and industrial or urban technocrats. The question which Taubman poses instead is: "Which technocrats control the ruling Party?" (p. 110). The answer he offers follows Jerry F. Hough's characterization of the USSR as moving toward "institutional pluralism" in the framework of a production-oriented, single party system. (Jerry F. Hough, "The Soviet System: Petrification or Pluralism," *Problems of Communism*, 21 [March–April, 1972], 29–30.) Bureaucratic competitive politics bursts forth as the norms and competence of municipalities come into conflict with the production imperatives of big industry. As municipal budgets grow and municipal staffs gain training and experience, these politics become less and less a onesided struggle. In this context, it is regrettable that this volume contains relatively little information pertaining to developments since the important March 1971 legislation on the further strengthening of local government. But that, I suppose, will have to await a second book. We would be indeed ungrateful to be dissatisfied with the more than generous measure of information and insight offered us in Mr. Taubman's first scholarly work.

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China's Population-Struggle: Demographic Decisions of the People's Republic, 1949–1969. By H. Yuan Tien. (Columbus: Ohio State University Press, 1973. Pp. 405. $15.00.)

Speculation about the size and growth of China's population seems to hold a peculiar fascination for Western Sinologists, and few have resisted the temptation of indulging in the Chinese population numbers game at some time or another. It is to Professor Tien's credit that he has been able to resist this temptation and has turned his attention rather to an examination of those policies and programs that have impinged directly or inadvertently on population questions in China. He has attempted to evaluate the effectiveness of each of these in the light of evidence coming out of China itself and on the basis of the experience gained by other countries that have followed similar programs.

Dr. Tien begins his book with a review of some Chinese and Western opinions about the nature of China's population problem and deals specifically with the impact that Malthusianism has had ever since the early 1900s, with one school of thought bemoaning the fact that population increases would always negate whatever economic progress was made and the other proclaiming that the vast reservoir of labor in the Chinese population, if properly organized, was the means by which economic betterment could be achieved.

The first three chapters deal with various aspects of the maldistribution of population in China and the efforts that have been made to remedy the situation through such measures as the control of the growth of cities and the colonization of virgin lands in China's frontier regions. The three final chapters examine the results of programs and policies concerned with limiting population growth as a whole and the various institutional changes that have occurred in Chinese society that have impinged, inadvertently, on the population question.

Professor Tien presents the view, correctly I think, that the Chinese have never seen urbanization as the means by which surplus rural population can be absorbed. They have, rather, seen the rural sector of the economy as being capable not only of providing employment for agricultural populations, but also of providing work for that part of the population of cities that the urban economic base is unable to support. In contrast to their pragmatic view of the capability of urbanization to solve population pressure problems, the Communists were initially more sanguine about the potentiality of virgin lands to perform this task. It is interesting to note how much the Chinese hopes in this direction were aroused by Khrushchev's virgin lands colonization projects being undertaken at that time in the Soviet Union. Before the end of the 1950s, however, it had become clear to the Chinese that while the conquest of virgin lands in the northeast might solve the food problem, it was hardly likely to bring about a fundamental change in the country's maldistribution of population, since the capital-intensive nature of the agricultural developments in those regions would have made the growth of large rural populations largely redundant.

Professor Tien's discussion of the ideological and political controversies surrounding attempts to limit China's population growth sheds little new light on the subject. The great debates between the neo-Malthusians and their opponents are reviewed again, and it is concluded that while the former were defeated, the fertility control measures adopted in 1956 were not substantially modified as a result of these acrimonious public controversies.

In the discussion of the measures used to promote family planning we are told that male and female sterilization was advocated in preference to induced abortion but that the policy of late marriages was the one most strongly pushed by the leadership. A table is presented of the traditional contraceptive methods with which the regime officially experimented during the late 1950s. Among these, the swallowing of live tadpoles was the most drastic remedy but also, it appears, the least effective, since it was officially disavowed in 1958 after only one year of experimentation.

In his concluding chapter, Professor Tien reviews many of the broader factors of societal change that favor smaller families: greater employment possibilities for women away from home, the possibilities of upward social mobility through achievement rather than marriage, the rise in the standard of living, and the greater stress on the quality of family life rather than on numbers of children are all asserted to be bringing about the voluntary limitation of family size in China.

While the China specialist will find little new in Professor Tien's book, the general reader will find much that is informative and entertaining, particularly for the period up to 1966. Unfortunately, the book contains hardly any discussion of events subsequent to that date despite the wealth of material on the subject that has come out of China since the Cultural Revolution.

J. B. R. WHITNEY

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Ignaz Seipel: Christian Statesman in a Time of Crisis. By Klemens von Klemperer. (Princeton, N. J.: Princeton University Press, 1972. Pp. xvi, 468. $17.50.)

Historians and political scientists on both sides of the Atlantic are now beginning to write on the controversial Austrian interwar period. Professor von Klemperer's book is the first serious attempt to deal with Seipel. It is by far the best political and intellectual biography of Monsignor Seipel, the leading Christian Social statesman of the First Austrian Republic. The book is well researched, documented, and written.

Born in 1876, Seipel witnessed the disintegration of the once powerful Hapsburg monarchy. He briefly served as Minister of Social Welfare in the last Hapsburg government. After the collapse of the monarchy, Seipel became the architect of the Social Democratic-Christian Social coalition, which lasted until 1920. As von Klemperer has noted, the early Seipel had considerable talent for compromise. Later sheer scheming and a search for an alternative to democracy cancelled his accommodating abilities.

The end of the Red-Black coalition signaled the ascent of Otto Bauer over Karl Renner within the Social Democratic Party. Bauer's doctrinaire "Austro-Marxism" came to prevail over Renner's pragmatic socialism. In 1922 Seipel became Chancellor of a right-wing coalition government. The Social Democrats went into the opposition, except in Vienna, which was both a *Land* and a city. The electorate was divided into three *Lager*—the German National, the conservative Christian Social, and the Marxist. There were deep socio-economic and political cleavages. National identity was lacking; no party accepted the state as a final authority. Seipel was enigmatic about *Anschluss* with Germany. At times he appeared to favor a supranational order in Central Europe.

Seipel vacillated between Church and state, monarchy and republic, empire and small nation, democracy and dictatorship. His was essentially a conflict between the "ethic of ultimate ends" and the "ethic of responsibility," to use Weberian terms. Increasingly politics became applied moral theology. The Social Democrats, as von Klemperer rightly points out, saw Seipel as the creator and manipulator of a "counterrevolutionary conspiracy" (p. 262).

The room for compromise became less and less after the 1927 Social Democratic burning of the Palace of Justice in Vienna. Seipel started to search for a "true democracy." He came to distinguish between a "higher" or "true" reality and a "lower" or "false" one. Seipel looked for support to the *Heimwehr*, a paramilitary organization whose *Heimatblock* got seats in the 1930 *Nationalrat* election. He saw this semi-fascist group as a "people's movement" liberating democracy from party rule.

It is unfortunate that von Klemperer argues that "in itself a coalition government is not a good thing," (p. 133) and that proportional representation "weakened parliamentary government" (p. 143). This tends to justify Seipel's search for an alternative to the existing order. A coalition government *per se* is neither good nor bad. The Black-Red coalition in the Second Republic (1945–1966) produced considerable governmental stability and economic prosperity. Despite proportional representation, there is now essentially a two-party system. It was neither the coalition governments nor the electoral system that led to the collapse of the democratic experiment. The deep-seated cleavages were responsible for the collapse of democratic institutions. As Seipel put it: "If men divide into the army camp of Christ and the army camp of the enemies of Christ, there will be a fight" (p. 271).

Seipel resigned the Chancellorship in 1929, but remained politically active until his death in 1932. He came to embrace corporatism and intimated that the National Socialists were an irresistible "evolutionary people's movement" and also anti-Marxist. Seipel's predicted fight occurred in 1934 when the government forces liquidated the Social Democratic uprising.

The book is nearly free of typographical errors, but many German and some Latin words are not italicized. The Christian Social Party is incorrectly called the Christian Socialist Party. These are, however, minor errors. For a long time this work will remain an indispensable source on interwar Austrian politics. It is hoped that von Klemperer will also write political biographies of the other right-wing leaders.

JOHN DREIJMANIS
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Chicago Essays in Economic Development. Edited by David Wall. (Chicago: The University of Chicago Press, 1972. Pp. xvi, 370. $14.00.)

Around the turn of the century, the economist J. B. Clark used to marvel at the marginal productivity theory. More than any other influencial American academician he attributed a certain moral appropriateness to factors of production receiving their marginal product. Such recompense seemed not only to be conducive to efficiency, but fair on the face of it—factors, including people, get back what they produce. Clark also calculated that in pure competition, factors "naturally" receive their marginal product and that with constant returns to scale, the total product distributed in such manner is exactly used up. That concatenation seemed so stunningly elegant as to constitute a truth far beyond mere intellectual invention or social artifact. Surely it represented the way things ought to be.

This representative volume of 15 essays by six Chicago economists would have pleased Professor Clark; his influence lives on. (The six are Arnold Harberger. Bert F. Hoselitz, D. Gale Johnson, Harry G. Johnson, Theodore W. Schultz, and Larry A. Sjaastad.) The essays are clever, useful, careful, ideologically individualist-utilitarian, and patronizing of unbelievers. Some of them read well, especially Harry Johnson's two surveys of the rationales for protectionism in developing countries, and the several examples of a special kind of study that only Harberger seems to know how to do. His are marvelous exercises in extracting interesting conclusions from poor data by means of insightful application of elementary theory. In one essay he derives estimates suggesting that in India, the return to capital investment is greater than the return to investment in education; in another he concludes that the potential welfare gains in Chile from reallocating existing resources more efficiently are small compared with the potential gains from improving the physical and human inputs to production.

Of course the theme of the book is the beauty of the market, but as in the work of Clark, one is unsure about which of three variations is intended to be the ultimate justification. The three, not stated explicitly in the book, are that: (1) the market fosters allocative efficiency; (2) it allows for individual freedom or consumer sovereignty; and (3) it permits of general material betterment, since if more goods are produced by an efficient market they could be distributed in such a way as to leave some or all people better off. That the redistribution of a bigger pie typically does not happen is ignored; the possibility that market prices, and thus GNP, do not measure social welfare is downplayed. Thus Harry Johnson, in a paper entitled "Fiscal Policy and the Balance of Payments in a Growing Economy," can say, ". . . a country is virtually certain to derive a substantial net benefit from foreign private investment in it" (p. 121).

The second argument is a matter of faith or definition and is not treated empirically. It is as if desiring individuals to be knowledgeable, autonomous, and self-directed will make it so. Evidence of the manipulability of preferences by mass media is not mentioned. But more serious is the fact that these economists do not develop a disciplinary perspective (of the sort one sees, for example, in sociology or anthropology), in which individuals are viewed as being socialized into a culture that molds "preferences." This is puzzling since the authors repeatedly suggest that people in developing countries are not so much inefficient as they are lacking in certain attitudes and "social, political and intellectual innovations" (Hoselitz, p. 69).

(There is a circularity to current micro-economic theory: People get what they want and want what they get; the contemporary theory of revealed preference *defines* an individual's preferences as a function which, if the individual were using it as the basis for making market choices, would yield the particular set of "choices" observed. Thus an individual cannot but carry out his intentions in the marketplace. Political scientists tempted to snicker should recall that the rationale for interest-group liberalism—public policy emerging from the pulling and hauling in the political market place—has the same intellectual underpinnings as has the claim for the allocative efficiency of the competitive market.)

Though the book does not contribute to the consumer sovereignty and potential redistribution variations of the theme, it does make two kinds of contributions to the allocative efficiency argument. (1) It provides sad, paradoxical, but impressive empirical support for the claim that the market is very often more efficient than is governmental tinkering; and (2) this finding is often linked with useful policy advice on several important issues. Three examples:

- Farmers in developing countries often do make efficient use of the resources at their disposal. What they need are improved resources, the most profitable of which often is not industrial equipment, but human capital, developed through education. (See Harry Johnson in "The Ideology of Economic Policy in the New States," and Harberger in "Using the Resources at Hand More Effectively" and in "Investment in Men vs. Investment in Machines.")
- In a developing country inflation is a necessary evil; budget deficits do not necessarily lead to increased prices and wages, but in some Latin American countries they have contributed carelessly and unnecessarily to the *level* of such inflation. (See Harberger in "Some Notes on Inflation.")
- Exports of U.S. agricultural products to developing countries under P.L. 480 have probably sometimes had the perverse effect of inhibiting necessary local agricultural production. (See Schultz in "Value of U.S. Farm Surpluses to Underdeveloped Countries.")

Except for Hoselitz and Harry Johnson the authors tend not to discuss the work of people whose views conflict with theirs. Raul Prebisch and Gunner Myrdal appear briefly in the text, and are not included in the sketchily inadequate index of this valuable but frustrating book.

JOHN E. BRANDL

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The Diplomatic Kidnappings: A Revolutionary Tactic of Urban Terrorism. By Carol Edler Baumann. (The Hague: Martinus Nijhoff, 1973. Pp. 182. Guilders 27.50.)

A recent chronology of incidents of international terrorism for the six-year period from January 1, 1968 to October 31, 1973 lists a total of 422. The topic of international terrorism was the concern of an Ad Hoc Committee of Thirty-Five Nations established by the United Nations; however, that body was unable to agree upon any specific recommendations, even about whether state acts or private acts were the proper focus of concern. Nevertheless, the General Assembly did pass a resolution urging states to become parties to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents.

The tenor and nature of Professor Baumann's study, completed before the U.N. deliberations on terrorism and the protection of diplomats, is aptly revealed in her introduction: "This study has been designed to combine the neutral objectivity of a scholarly analysis of the relevant rules of international law and diplomacy with the somewhat more involved and perhaps subjective judgments and policy recommendations necessitated by policy-oriented research" (p. 2). She then concludes her introduction dedicating the book "to the professional diplomatic corps throughout the world" (p. 3). Thus, the neutral objectivity is reserved to the relevant law (not extending to the phenomenon of urban terrorism); the recommendations are prophylactic.

The study comprises one chapter on the role of urban terrorism in revolutionary strategy; three on law; three on case studies; and one on policy recommendations. In approaching the subject Professor Baumann perceives the answer to the problem of diplomatic kidnappings to be maximizing the risks for the terrorists and minimizing their rewards. Except for a few sentences of doubt, the study seizes on the notions of ransom and release of political prisoners as being the goals of the kidnappers. Baumann's proposed resolution is that all nations should take a hard line, with the added legal innovation initiated by Argentina of not granting asylum to the political prisoners released in any deal worked out by a nation and the kidnappers.

Baumann herself pinpoints the crux of the problem of this study, even granted its narrow scope. Toward the end of the study she states that a "somewhat different picture emerges, however, if one does not necessarily accept the complete rationality of the terrorists in the balancing of rewards versus risks *or* if one assumes a slightly different or additional motivation for their actions" (p. 153). In Chapter I a number of reasons for why revolutionaries resort to the kidnapping of diplomats and other acts of terrorism are set out, not the least of which is to gain the support of segments of the population within their respective countries. But Baumann does not deal with these. Her answer to the somewhat different picture emerging is a discussion of rear-view mirrors for cars and added protective security measures.

Aside from a poetic morsel at the end of Chapter I ("Both national and international efforts will be necessary to control their growth [kidnappings], but it will take eradication of the actual causes of revolution to ultimately sterilize the soil in which they flourish," [p. 31]), Baumann seems to overlook any possibility other than using law to enforce the status quo. One can certainly conclude that the value of an uninterrupted network of diplomatic relations among nations takes precedence over the justice of any particular cause. Clearly, the perceptions of diplomats addressing themselves to such a legal convention would be fairly uniform, a uniformity which is not shared when the broader phenomenon of terrorism is under discussion.

Nevertheless, if the international community is addressing itself to the problem, some effort should be made to reward the revolutionaries who have a just cause and do *not* resort to the kidnapping of diplomats. In fact, the various human rights conventions and resolutions on self-determinations by the United Nations may be seen as efforts in this regard. Professor Baumann does not enlarge the focus of the study to include such possibilities.

Professor Baumann's study may provide a helpful introduction to the specific subject of the kidnapping of diplomats and the relevant law (although this is a little dated with the present U.N. Convention now open for signatures), but its value is modest.

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War and Politics, By Bernard Brodie. (New York: Macmillan, 1973. Pp. 496. $8.95.)

If it be true that ninety per cent of the scientists who have ever lived are alive today, it is probably also true of analysts or writers on strategy and the role of force in international politics. Among this great gathering, primarily though not exclusively American, Bernard Brodie has long enjoyed the distinction of being one of the very few—Raymond Aron and Michael Howard are others—who have both a keen interest in contemporary problems and a comprehensive knowledge of the history of warfare and conflict.

This combination has made him an important figure in the great debates of the past twenty years. He was for a number of years a valuable anchor man at the RAND Corporation to keep the feet of some of his wilder young colleagues near the ground. His *Strategy in the Missile Age*, which was published in 1958 at the beginning of a period of marked uncertainty in great power relations caused by the development of the ballistic missile, performed an invaluable public service for two reasons in particular. First, it was comprehensible to the educated layman and did not seek to conceal the obvious behind a thicket of arcane language; and, second, it distinguished what was genuinely novel in the new international situation created by nuclear weapons and long range means of delivery from earlier balances of power.

In the intervening years he has written a book on the influence of technology on warfare which is an invaluable teaching aid, and a book-length essay entitled *Escalation and the Nuclear Option*, which cleared away much of the rubble created by the intellectual terror bombing of Herman Kahn. From so sane, humane, and judicious a writer, one had a right to expect a work of significant commentary in the light of the experience of Vietnam, nuclear parity, and the advance of superpower detente. I personally have found my expectations somewhat disappointed.

Bernard Brodie has given this book as ambitious a title as did Raymond Aron with his *Paix et Guerre entre les Nations*, and, like Aron, he does not quite manage to live up to it. He describes its central idea as being an examination of the reasons that nations go to war. But what in fact he has done is to juxtapose two books: the first is a critical commentary on twentieth-century wars in which the United States has been involved; and the second is a series of interesting essays on disparate themes, on changing attitudes towards war, on theories of the cause of war, on vital interests, on the effect of the existence of nuclear weapons, and on strategic thinkers. It might have been better if the two halves had been reversed, for many of the premises on which the historical section of the book is founded only emerge clearly in the second and more theoretical half.

Be that as it may, this is a critical commentary of high quality on the policies and assumptions of our times. In the chapter on the Korean War he makes a good case for the view that the United States observed the wrong limitations, and could have achieved a decisive result in June, 1951, without going near the Yalu. Though Vietnam has been extensively analyzed, Brodie's critique of the mistakes that were made is one of the best professional analyses that I have read. And I endorse his central point (for I have made it elsewhere) that the Johnson administration made two elementary strategic errors—first in engaging in a full-scale conflict with a country to whose territory it gave the status of sanctuary, and second in trying to fight a prolonged imperial war with a conscript army. His Vietnam chapters are interesting in that he does not stop at the Johnson abdication but evaluates the role of the Nixon Administration, and of Henry Kissinger in particular, in prolonging the war.

There is an excellent critical chapter on explanations of the causes of war, in which he deals especially sharp blows to those quite unscholarly theories, propounded by figures as dissimilar as Harold Laski and Dwight Eisenhower, that have seen some form of economic impetus, the shoring up of colonial enterprises, or the machinations of the "military industrial complex" as a consistent cause of modern war. The same sharp edge informs his discussion of "vital interests" about which statesmen and planners have talked a great deal of nonsense down the years, but which nevertheless exist. As he says, "The perennial problem for the leaders of a superpower like the United States is to determine the outer boundaries of what is truly vital" (p. 358). And, one might add, to communicate their judgment to other states; for example, I have often thought that the Cuban missile crisis derived partly from the fact that the Soviet leaders, having seen first Castro come to power unhindered and then the Bay of Pigs invasion called off, did not understand that, even so, the United States regarded the whole Caribbean as within the orbit of her vital interests.

Bernard Brodie is very hard on professional military men and, having had even more experience than he in dealing with Chiefs of Staff all over the world, to a large extent I share his views. But his criticism that they have no sense of political reality is sometimes a little illogical, especially when he reserves his sharpest criticisms for men like Maxwell Taylor because they claimed political sophistication.

The sober trenchancy with which this book is written, the saneness of Brodie's judgments, the wealth of examples, especially in the footnotes, and the quality of his analysis make this a book to be prized even if it does not fully live up to its title. But before he lays down his pen, I hope that Bernard Brodie will attempt a work of construction which may provide some suggestions, however tentative and controversial, about the modification and control of war in the later twentieth century, in a more diffuse world order in which new sources of conflict have arisen with no real alleviation of the old ones.

ALASTAIR BUCHAN

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The Superpowers and Arms Control: From Cold War to Interdependence. By Walter C. Clemens. (Lexington, Mass.: D. C. Heath and Co., 1973. Pp. 180. $13.50.)

The United States and the Soviet Union through collaborative efforts have inched their way toward controlling the growth of their nuclear arsenals. It is relatively easy to support arms control, or even disarmament, in principle, but achieving arms control in practice poses enormous problems. We can be thankful, therefore, to Walter C. Clemens, a longtime student of Soviet affairs, for contributing some useful perspectives to this vital subject.

Professor Clemens believes that arms control agreements are possible because the Cold War, which spawned the arms race, in many ways resulted from miscalculations and misinterpretations by both sides. He attempts to tread a fine line between apologists for all past American anti-Communist policies and revisionist historians who blame the Cold War on misguided American ideological zealotry. In short, he stakes out a centrist position. Clemens applauds the gradual change in attitudes that makes accommodation on the nuclear issue possible. To Clemens, past arms agreements represent way stations along the road to eventual major cuts in nuclear weapons, and finally to a kind of interdependence between the superpowers that will vastly reduce the chances for conflict.

The book exhorts the United States to seek additional arms control agreements in the belief that "the overall balance of power seems destined to favor the United States and her allies throughout the 1970s" (p. 23). Consequently, Clemens holds, this country has little to fear from such accommodations. He rightly contends that arms control could serve the interests of both superpowers. There is always the hope that the United States and the Soviet Union someday will agree on SALT II and beyond. It is to be wished that Clemens's forecast of a coming age of peaceful interdependence proves valid.

While I agree with most of the views expressed in this excellent book, I find it difficult to accept certain aspects of it. First of all, I have trouble with the tone of Clemens's account of the Cold War. The author's major premise that relations between the superpowers never deteriorated to the point of making war inevitable or arms agreements impossible rings true. I believe, however, that Clemens underestimates past Soviet motivations. While the United States certainly committed its share of faux pas, thereby contributing to the intensity of the Cold War, its overall record presents, in my opinion, a less vulnerable target than that of the Soviets. I believe that, contrary to Clemens's assertion, Soviet preoccupation with defense might have shifted abruptly to offensive actions had the United States not extended its protection to a prostrate Western Europe and assisted in revitalizing the region's economic and military might. We would do well to heed James Reston's recent reminder that "men like Bernard Baruch, David Lilienthal, Dean Acheson and others devised a system for international control [for atomic energy] under the United Nations, but it failed because of the opposition of the Soviet Union" (*The New York Times*, May 24, 1974, p. 31).

Second, in a chapter dealing with the pros and cons of arms control Clemens dwells on the pros and lightly sketches the cons, an approach that accords with his admitted political inclinations. One can easily accept his assertion that any future agreements that the United States and the Soviet Union consider in their interests will probably be useful in countervailing the general thrust toward an unrestrained arms race (p. 104). Yet the book could have profited from a more extensive and explicit treatment of the very legitimate concerns that have led to such slow and deliberative progress in arms control negotiations. Granted, skeptics might very well view the Secretary of Defense's cautionary presentations as tending toward "worst-case analysis." Nonetheless, the risks are too high for anyone to dismiss lightly, as Clemens seems to do (p. 23), the Secretary's disclosures of the buildup in Soviet nuclear arms and its possible consequences, regarding them simply as scare tactics employed at budget time.

Despite these misgivings, I believe that overall, Clemens has performed a valuable service by systematically presenting a point of view that should be heard. Moreover, the author proves to be a very competent scholar who uses his sources and his analytical techniques effectively. His writing style is crisp and his arguments are clear. Any serious student of international relations in general or of arms control in particular, would do well to consult this relatively slim but informative volume.

RALPH SANDERS

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Nuclear Weapons and the Atlantic Alliance. By Wynfred Joshua. (New York: National Strategy Information Center, Inc., 1973. Pp. 60. $1.00, paper.)

Soviet and Warsaw Pact forces always have been and will remain superior to their NATO adversaries. Once American strategists accept that basic fact, the debate over Europe will move into a more productive phase.

Nuclear Weapons and the Atlantic Alliance falls short of this prescription, but it nonetheless is a particularly sound, if traditional, analysis based on threat perceptions and potential U.S. responses.

Dr. Wynfred Joshua now with the Stanford Research Institute essentially argues that we must meet strength with strength. Provide a counterforce capability to the U.S. strategic missile force. Enhance French and British nuclear capabilities. Develop clean tactical nuclear weapons.

Many of her points are controversial, however. For example, the dismissal of the Soviet "status quo power" thesis; the circuitous analysis of Chairman Brezhnev's influence on the Mansfield amendment (p. 9); the assessment that Warsaw Pact forces are generally "offense oriented" (p. 25); the depreciation of the penetration capability of U.S. tactical aircraft (p. 52); and the direct linkage of U.S. strategic missile accuracy programs to European security.

The author suggestively points out the weaknesses of the Northern Tier. She notes the misplaced deployment of NATO troops and the deficiencies uncovered in NATO exercises. She could have added such problems as low morale, the yoke of dependents, combat unit undermanning, headquarters overstaffing, and the suspect support base.

Siding with Joshua, one could agree that an aggressive multinational strategic policy would shore up the Atlantic Alliance and inhibit Soviet designs on Europe. On the other hand, one could deemphasize Soviet imperialism and argue that current pressure for a pull-back from Europe presents the opportunity to upgrade conventional capability while reducing the manpower burden. This would require the abandonment of the obsolete 20–30 day intelligence warning assumption and the deployment of a rapid airlift force.

Nuclear Weapons and the Atlantic Alliance convincingly presents the traditional viewpoint. But traditional thinking about Europe is changing and that fact, plus serious questioning about European nuclear deterrence, should be evaluated.

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Japan's Foreign Policy. By Frank C. Langdon. (Vancouver, Canada: University of British Columbia Press, 1973. Pp. 231. $9.00.)

One can argue that for twenty years Japan had no independent foreign policy. From 1952, when the peace treaty went into effect, until 1972, the year President Nixon went to Peking and gave back Okinawa, the Japanese followed the American lead in foreign affairs while busying themselves at home building the world's third economy. Securely ensconced in the free world, hosting American troops and bases, and expanding foreign trade as rapidly as possible but always with an eye on their number one partner, Japanese governments consistently gave first priority to relations with Washington. On China there was always a different angle of vision but *seikei bunri* (separation of politics and economics) proved a workable formula, and besides, for Japan's interest, relations with Taiwan were too important to jeopardize.

Professor Frank Langdon in his excellent study of Japan's foreign relations in the Ikeda and Sato administrations, takes as his theme the nation's three goals of prosperity, security, and international recognition. These follow logically the old Meiji slogan *fukoku kyohei* (rich country, strong military) except that *kyohei* has become *jiei* (self-defense). The three goals are listed in the order of their importance, as seen by the Japanese. One can question whether the third, the quest for an international role and international recognition, was pursued with much vigor during the Ikeda years when "low posture" was the watchword; in any case, the world role was not achieved then, unless one counts the momentary manifestation of the 1964 Olympics, held shortly before Ikeda's death. Today, in the 1970s, everyone expects Japan to "take a more active role," to "surmount the challenge of development in the second and third worlds which await it" (p. 207). Some of us have written that Japan's role will be "worthy of the Great Power she will have become." Yet it is still easier to be specific about economic accomplishments than about political influence.

To say that Japan's foreign policy was identified with American policy does not deny the differences between the two countries. There were many problems; most, however, arose over the manifestations of policy rather than over fundamental issues. Professor Langdon competently describes these differences regarding Okinawa, textiles, nuclear weapons, and liberalization. He might have put more stress on the internal dissensions within the United States government: for example, the prolonged squabbling about the return of Okinawa between the military and the diplomats. The visits of nuclear-powered submarines illustrated the conflict between the "security" considerations which motivated the Pentagon and the political facts of life as perceived on the spot by the Embassy. The Japanese government accepted without question the right of these submarines to visit Japanese ports under the treaty but insisted that the timing and frequency of the visits were matters of great political delicacy; sometimes the Embassy appreciated this point of view more than did the military.

Langdon's book gives an illuminating and accurate account of Japan's security problem, concluding quite sensibly, in my opinion, that Japan would change its present moderate defense policy only in case of an "increased security threat, a reduced willingness of the United States to protect Japan, or a reduced credibility that it would do so" (p. 143). In view of the persistence of expressed fears that militarism is about to revive in Japan—recently sparked again by the sentimental reactions to Lieutenant Onoda's appearance out of the jungles—the unsensational but sound judgments in this book need constantly to be restated. In this connection I would quarrel with the impression Langdon leaves of the 1971 visit to Tokyo by the then Secretary of Defense Melvin Laird. Laird did indeed assure the press that he saw no need for Japan to arm with nuclear weapons but only after a member of his own staff in an off-the-record briefing had stated quite the opposite (correspondents who were there will so testify). Unfortunately what remained in the Japanese mind from this visit was the original statement rather than the subsequent denial.

Professor Langdon's assessment of the direction of Japan's future political and economic development commands respect. In the long run one cannot expect permanent Liberal Democratic party rule; some sort of cooperative ad hoc arrangements with opposition parties is possible, but probably not with the Socialists, as the author suggests. No break with the United States looms ahead; even the Communists recognize the necessity of at least the economic Japanese-American relationship; they say that they would promote friendly relations with the American "people" and would expand trade with the United States if their vaunted democratic coalition government came into power.

Any account of Japan's economic future would have been different if written after the oil crisis. In the light of what has happened, the 1971 statement quoted by Langdon from Shimomura Osamu, former economic adviser to Prime Minister Ikeda, was grimly prophetic: "If today the flow of some 200 million tons of crude oil each year were to be disrupted, the result would be unspeakable confusion, and the whole economy could be brought to a jarring standstill" (p. 202). As Shimomura went on to say, however, the lesson from this is not military might. Nor has the new situation altered the validity of this conclusion, some American journalists to the contrary notwithstanding. The energy crisis has not brought the Japanese economy to a jarring standstill, but it has brought more modesty and more conservatism to the projections of future growth. Langdon's final conclusion, that Japan's world role will be that of a major economic power devoted to international economic development, is as sound today as when it was written.

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Retreat from Victory: A Critical Appraisal of American Foreign and Military Policy from 1920 to the 1970's. By Drew Middleton. (New York: Hawthorn Books, Inc., 1973. Pp. 250. $7.95.)

Drew Middleton, the well-known military correspondent of the *New York Times*, has written a pessimistic book about the United State's position in the world. Like some old Roman lamenting the moral degeneration of his countrymen, he believes that throughout the period of their world power from the 1920s to the present, the Americans have been dogged by a complacent isolationism, failing to understand, or to take the trouble to understand, the world they live in, only too eager to shrug off its burdens and responsibilities, and leaving behind a credibility gap in the outside world's trust in America's commitment to maintain peace and the rule of law.

After the First World War, he writes, the Americans sat in their continental fortress deaf to the tramp of aggressive forces from Manchuria to the Rhineland, from Sudeten Germany to Poland. Paradoxically, however, the American president of the 1930s, F. D. Roosevelt, had a plan "to invite certain governments to Washington to discuss the underlying causes of certain difficulties" (a vague phrase to describe a vague proposal) in January 1938; but Neville Chamberlain rejected this "American initiative that would have involved the United States in the efforts to keep the peace in Europe" (p. 21). Drew Middleton tells how both Churchill and Anthony Eden told him about Chamberlain's rejection, but almost every historian today regards it as unlikely that America would have been so involved even had he accepted it. Came the Second World War. Typically, the United States, we are told, met it in its usual mood: "on Saturday night before the Japanese attack, the services at Pearl Harbor, already the recipients of a war warning from Washington, relaxed for the cocktail parties, dinners and dances that marked the end of the work week" (pp. 40–41).

After the war there was too quick a return to peacetime standards, too much lazy reliance on the United Nations to do the international policemen's job. The war in Korea in the early 1950s was a "failure"; it merely restored the status quo and failed to deter Soviet and Communist Chinese support for aggression elsewhere. Drew Middleton would have preferred to have had General MacArthur defeat President Truman in their quarrel in the spring of 1951 since MacArthur "advocated a military show-down" with Russia and China on the ground that "the cost then [1951], when the Soviet Union was clearly inferior to the United States in atomic weapons, would be far less than ten or twenty years in the future" (p. 95). A preventive war against the Communists then might have been "less costly in lives, money and national unity than the long agony of Vietnam" (*ibid.*). American complacency increased during the 1950s: people might watch Edward R. Murrow "chain-smoke his way through the gloomier aspects of the world situation but they were more likely to turn to *I Love Lucy* or *What's My Line?*". Nemesis came with the Vietnam War, but that, too, was a failure for the same reason as other American failures: the same refusal to carry the war to its logical conclusion by invading and defeating North Vietnam, the same reluctance to follow the generals' advice, the same tendency, as after the Tet offensive in 1968, to draw back when victory was in America's grasp. Drew Middleton ends with an alarmist picture of the current growth in Soviet military and naval strength. "Can the retreat be arrested by America before it is too late?" he asks, and replies: "as we turn to look at the increasingly unstable world of the seventies, this appears doubtful" (p. 167).

A sorry tale indeed. There is nothing here about the West's victories, so massively backed by America in the Cold War, like the defense of West Berlin in 1948–49 and again in 1958–61 when the Berlin crisis brought the world to the brink of war; American statesmanship during the Cuban missiles crisis is mentioned only to remark that it gave a fillip to Soviet naval programs; above all, there is nothing about Kennedy's, Johnson's, and Nixon's contribution to a *détente* with the Communist world which has transformed the prospect of nuclear disaster into a reasonable expectation of continued peace. The *détente* may be an illusion, and Russia and China may resume their ingrained malignity, as Drew Middleton sees it. But if America cannot give as good as it gets in any hostilities with the Communists after having beaten all records with its latest military budget, America will not be worth lamenting. Drew Middleton's book is a crisp, if bitter, critique of the United States's position in the world today, but it is more likely to interest the general reader than the professional student of history.

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After Yalta. By Lisle A. Rose. (New York: Charles Scribner's Sons, 1973. Pp. vi, 216. $7.95.)

Interpretations of how the Cold War began have followed a pattern commonly encountered in the scholarly world. At any given time there is an "orthodox" view which reflects shared assumptions about basic causes, however individuals may differ as to emphasis. Then, as perceptions change or new materials become available, strong attacks are mounted against the conventional wisdom. Often these assaults are exaggerated because of the felt need to destroy orthodoxy to the last brick. Finally, scholars emerge who have no interest vested in either side, and who are far more likely to produce syntheses which advance our understanding of the subject. Lisle Rose's *After Yalta* is such a "postrevisionist" work. Despite its flaws, and there are some, it is an important contribution to the literature on the origins of the Cold War.

The book is provocative to say the least. Over the years orthodox and revisionist scholars alike have constructed their theses on a fairly standard set of issues: Eastern Europe, loans and Lend-Lease, German reparations, etc. Rose, who works in the Historical Office of the Department of State, considers these subjects, and then discounts them as primary causes of the Soviet-American rift. For all the charges and counter-charges thrown about between the Yalta and Potsdam Conferences, he concludes, the situation by the end of the latter meeting was reasonably satisfactory to both sides. Truman (nor Roosevelt before him) did not care all that much about Poland, for instance, and Russia got about what she could have hoped for on the treatment of Germany.

To Rose the deterioration into what became known as the Cold War began in the autumn and winter of 1945. America's refusal to share atomic secrets with the Soviet Union "quickly eroded the shaky trust that Moscow's leadership had gradually built up during the war" (p. 176). From Russia's standpoint, it seemed that the United States had cheated her out of a hard-earned victory in the war, for now "a magnificent army of three hundred divisions and a broad geographic zone of client states were insufficient to protect international Communism from abrupt devastating assault" (p. 177). Though it must have appeared otherwise to the Russians, Rose denies that this decision was aimed specifically at the Soviet Union. It stemmed instead from the belief that *no* foreign government possessed sufficient virtue to be entrusted with the terrible secrets. Not that the United States tried to employ "atomic diplomacy." Far from it. Had Truman approached the Soviet Union on a *quid pro quo* basis, "exchanging a promise of imminent atomic disclosures for an immediate Soviet relaxation of pressure upon Eastern Europe and Asia" (p. 84), Rose believes much tension and mistrust could have been avoided.

"But the Kremlin," Rose concludes, "must assume an equal if not greater measure of responsibility" for the destruction of the wartime coalition (p. 179). Whatever Stalin's reasons, his actions in North Africa, Turkey, Iran, Japan, Manchuria, and Korea caused Washington to become "increasingly fearful" of Russian "probes into areas often considered critical to Western security" (p. 179). Americans and their leaders increasingly came to believe that "a new totalitarianism had arisen out of the destruction of the old" (p. 179). Given the apprehensions on both sides, the wonder perhaps is that the Cold War did not become a shooting war.

Rose's emphasis upon the bomb and the events of late 1945–early 1946 may be valid, but in my opinion the author underestimates the importance of the period immediately following Yalta. The disputes over Poland and reparations from Germany, for example, were very real and certainly influenced the assumptions each side held about the other. Rose tends to cite only the optimistic comments of American policymakers during and after Potsdam, but it would be easy to produce an equal number of contrary ones. Indeed, it is far more likely that the issues on which Rose concentrates represented a continuation of, rather than a departure from, trends obvious by the summer of 1945.

One does not have to agree entirely with the conclusions offered in *After Yalta* to appreciate its value. Among other things, Rose deserves high marks for his explorations into congressional attitudes, the influence of domestic affairs, and the ambivalence toward Russia shown by some American leaders. Previous scholars have often written as though foreign policy were carried out in a vacuum, and as though attitudes were fixed at birth. *After Yalta* is the work of an able scholar. It is a small book abstracted from a much larger work, one volume of which has already been published. The specialist must await completion of the entire project, but everyone can profit from the sample offered.

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The Anglo-Soviet Accord. By Richard H. Ullman. (Princeton, N. J.: Princeton University Press, 1972. Pp. 509. $17.50.)

This, the third volume of Richard Ullman's history of Anglo-Soviet relations during the years 1917–1921, is in every respect an impressive demonstration of how diplomatic history deserves to be written. Ullman manages at one and the same time to combine the traditional materials of international relations—as a study of relations between states—with an analysis of bureaucratic politics and an examination of the connections between internal politics and foreign policy. While Ullman's first concern is not to delineate the influences of internal political forces in the formulation of foreign policy, he is clearly interested in how the two relate, no less than in the consequences of a foreign policy largely devised by an individual who imagined that he could be guided in his work by principles and practices that served him in his domestic political activities.

On one level, the book may be read as a biography of David Lloyd George, the man whom everyone guessed about, and few knew intimately. To an extent that is not always appreciated, Lloyd George dominated the international scene for much of the period 1917-1921. While he was required for a time to share these honors with others—Woodrow Wilson and Georges Clemenceau, principally—by 1920, he alone retained effective power and influence within the international arena. Leading a Coalition that dominated the House of Commons—the consequence of an immediate postwar patriotic emotionalism that had registered its massive jingoistic sentiments in the Khaki Elections returns of December 1918—Lloyd George governed with the support of numerous backbenchers who were exceedingly dubious about his apparent readiness to "appease" the Bolsheviks and to seek better relations with them. Wishing to conduct the negotiations with the Soviet representatives in London either himself or through his few trusted friends, Lloyd George, as Ullman points out, left relatively little for the Foreign Office to do; he courted the hostility not only of the professional diplomats, but, more significantly, also, of the Foreign Secretary, Lord Curzon, who dissented violently from his policies. For a time, particularly when the Soviet armies were marching successfully through Poland, and when Soviet representatives in London were said to be "plotting revolution," with the Labour movement creating Councils of Action to prevent any possible British intervention against the Soviet Union, Field Marshal Sir Henry Wilson thought the moment propitious for seeing whether a military and political opposition might not be organized against a leadership that he (and others) thought far too weak. All the while, Lloyd George had to contend also with a French foreign policy dominated by political objectives diametrically opposed to his own. Given all these circumstances, it is remarkable that Lloyd George managed to survive at all.

That he did survive, indeed succeed, at least to the extent of securing *de facto* recognition of the Soviet regime through the signing of an Anglo-Soviet trade agreement, testified to his absolute determination; he refused to accept the arguments of those who insisted that it was impossible to deal with the Communist government in Moscow. While the trade pact never produced the economic advantages that had been prophesied, it did help bring the Soviet Union back into the international community. More significantly, perhaps, as Ullman explains, it expressed the British interest in avoiding policies and actions that tended to exacerbate or create international enmities. British postwar policy, Ullman writes, was one of "appeasement." Lloyd George, of all Britons, had "the broadest vision" (p. 467). Indeed, Ullman suggests that his vision was greater than that of any other statesman of the period. This, however, did not mean that his "vision was particularly profound" (p. 467). As Ullman explains, Lloyd George never really understood the Bolsheviks; he did not take them seriously enough; he thought of them far too much as "wild men," with their "heads in the clouds" (p. 467). A more serious mistake, perhaps, was that Lloyd George imagined that he could use in foreign policy the same practices that served him in his dealings at home. He thought far too much in terms of personalities, and was constantly thinking of ways to cajole, persuade, or bargain. He lacked a consistent theory that he could give daily attention to, and that he could communicate to his fellow-countrymen. In the end, Lloyd George failed to explain to others what he was really seeking to do. He did not leave others with a sense of why they ought to continue in the ways that he had opened up. In his negotiations with the Russians, he failed in another way; the Communists were not permanently converted to his views of the conditions that ought to obtain if good relations were to subsist between the two countries. Most seriously, perhaps, he failed to understand the necessity of keeping alive Britain's friendship with France. Whatever the shortcomings of the Third Republic—and they were many—the hazards of a too obvious divorce between Great Britain and France were never sufficiently reflected on. Richard Ullman has written a superb concluding volume to a study that speaks of events half a century away, but that have more than passing significance to more recent happenings.

STEPHEN R. GRAUBARD

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Turkish Foreign Policy, 1943–1945: Small State Diplomacy and Great Power Politics. By Edward Weisband. (Princeton, N. J.: Princeton University Press, 1973. Pp. 377. $14.50.)

Whether one is interested in the origins of the Cold War, in the interplay between great and small powers, or in American-British diplomacy and rivalry, questions involving Turkish foreign policy during World War II require consideration. Despite its importance, however, this question has not received the attention it deserves until now. Professor Weisband has filled an important gap and done so meticulously and comprehensively, drawing on a rich array of published and unpublished sources supplemented by extensive interviews with major participants and knowledgeable observers.

His book begins with a discussion of the character of the polity and the role of such major actors as President Ismet Inönü and Numan Menemencioğlu, the Minister of Foreign Affairs, as well as of various groups such as the legislature and the press in foreign policy making. The main part of the book, however, is devoted to a detailed description of Turkish diplomacy from the Casablanca conference in January, 1943 to the end of World War II and Turkey's relations with the U.S., Great Britain, and the U.S.S.R., who all, for different reasons and with varying degrees of intensity, sought to persuade the Turks to abandon their policy of neutrality and to enter the war on the side of the Allies. The strategy and tactics Prime Minister Inönü and his foreign policy advisors used in successfully avoiding declaring war on the Axis powers until the fighting was practically over make a fascinating story.

Professor Weisband utilizes the concept of "operational code" as an analytical tool and shows how the Turkish political elite accepted two primary principles—a preference for peace rather than expansion, and a view that the U.S.S.R. represented a primary threat to the nation. Nevertheless, conflicts could and did develop over specific issues, but perhaps because of limited initial conceptualization, the author's discussion of the major actors and their role in foreign policy decision making is not adequately integrated with his detailed analysis of diplomatic maneuvering.

This point can be best illustrated by examining his treatment of two critical events. The first involved a major tactical shift that occurred within three days of the 1943 Cairo Conference: this shift was away from arguments that Turkish entry into the war would serve Soviet interests at the expense of the West and toward an emphasis on logistical requirements for military action. The diplomatic attitudes and acts that preceded and followed the new strategy are discussed in depth, but less than one and a half pages are devoted to a consideration of internal politics. All we learn is that the Foreign Minister encountered stiff opposition within the CHP's Parliamentary Group during a long, tense meeting whose details remain secret to the present. Since the Group's function was legitimization, however, an important question besides what transpired behind those closed doors is how the original decision was reached. Similarly, in early 1944, the Turkish government, seeking to prepare for postwar realities, reversed or abandoned a number of existing policies, including the discriminatory Varlik Vergisi and chrome deliveries to Germany, and replaced the Foreign Minister. Once again, however, the dynamics of these momentous decisions are not adequately analyzed.

In short, though the book provides useful information and important insights concerning the domestic sources of foreign policy, the specific actors and groups involved are discussed primarily in terms of policy development and not in terms of the role they actually played in shaping the policy itself. One must also note that the author's assessment of the Tan incident as a "spontaneous act of contempt by students" (p. 87) will be disputed by many scholars.

In the conclusion, the focus shifts to a discussion of the relationship of the findings to theoretical work on coalition and bargaining behavior. This new emphasis, however, is not developed sufficiently to permit the refinement of theory. As a result, though suggestive leads do emerge, the book ultimately remains a study in diplomatic history. As such, it will be of considerable interest and value to all concerned with this topic.

JOSEPH S. SZYLIOWICZ

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International Environmental Action: A Global Survey. By Thomas W. Wilson, Jr. (Cambridge, Mass.: Dunellen, 1972. Pp. 364. $12.50.)

At a time when many people are intensely interested in the environment and what is being done to protect it, and in which universities and colleges all over the world are setting up courses to facilitate studies of this activity and of what more is required, a book such as this, claiming to be a global survey of international action should fulfill an urgent requirement. It is thus disappointing to find that although very detailed and informative on action in the United States, it is scarcely adequate on European measures and contains hardly any information about the U.S.S.R., eastern Europe, China, or developing countries. Some information about all these was available at the time the original survey was carried out at the instigation of the Aspen Institute and Anderson Foundation, and much more has appeared during what must have been the period of editing the survey results into a book. It is a great pity that this has not been used, since as it is, the book conveys the impression that concern for the environment started in the U.S. in the early 1960s and that the U.S. has been a pace-setter ever since, which is very far from being the whole truth. To cite one example. The suggestion in 1967 by the Swedish government that Stockholm should be host to a U.N. Conference on the environment was the culmination of a campaign to launch European Conservation Year 1970 which began in 1960 in several European countries among well-established naturalist and conservation groups, including the scientific community, and which staged a "Countryside in 1970" exhibition in London in 1963 to open the public part of the campaign.

The book is divided into seven parts, which makes for easy reference, and the general form of the book is admirably suited to a handbook for students and teachers. Part I is a general survey of the current situation and is unfortunately the least useful; it describes all the more publicized difficulties but not any of the underlying problems or anything which has not already been "done over" several times in the press and on television and radio. Even for these issues there is no assessment of the information or indication of the relative urgency of the problems. These deficiencies are important, because at this late stage in the debate one looks for informed opinions and for some indication concerning the validity of the information, whether or not it is controversial and so on, as well as for some other examples of actual and widespread effects.

Part 2 is a very good account of the U.S. government's response to the pressure groups reacting to the crisis. It lays out clearly the role of the public, of government and of legislation and describes the main U.S. programs. If all the book were as good as this it would be first-rate, and this section alone makes it worth having.

Part 3 is divided into two sections. Section A is an attempt to review the world, but it fails sadly and in ten pages gives no more than a superficial impression. The excellent documents produced by bodies such as the Council of Europe, the OECD environment directorate, the International Biological Program, and many others have apparently not been surveyed, and there is no evidence of awareness that environmental protection under various names has been a major concern of some scientists and artists for at least a hundred years.

Section B of Part 3, an annotated list of national and international organizations, is very useful, but again heavily weighted towards those in which the U.S. is concerned. No mention here of the International Commission for the Protection of the Rhine, or the organization of states bordering the Baltic—not even the World Wildlife Fund, much less national groups in the countries of Europe.

In Part 4 we're firmly back in the U.S., and this again is most useful. The wide range of summarized case histories, with references to original documents, will be of great assistance to students. Since this is a "global" survey, however, one would have welcomed some non-U.S. examples.

Part 6 contains 30 appendices, being statements, texts of Acts, minutes of Senate meetings and so on, and although almost all are American it is nevertheless a relief to find them all in one place. Unfortunately, although it includes the text of the U.N. General Assembly Resolution calling for the 1972 conference, it does not carry the Statement of 13 principles adopted by acclamation at that conference. This is a serious omission, since students will look to this book to provide such information. One would have thought it worthwhile to have held up publication until this statement was available.

Part 7 is an annotated bibliography which will be a useful hunting ground for students and others interested in a handy source of references, especially to the American scene. It will not, unfortunately, provide much on the rest of the world.

All in all, this book could, with a slightly broader field of view for the original survey, have been really important. Perhaps it should not have been subtitled "a global survey."

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Table of Contents

Foreword
Preface
Description and Use of the *Thesaurus*
Associated Listing of Terms
Permuted Index
Geographical Listing
Hierarchical Index
Appendix 1 *Thesaurus* Rules and Conventions
Appendix 2 Sources of Terms Used in Data Bank
Appendix 3 Participants

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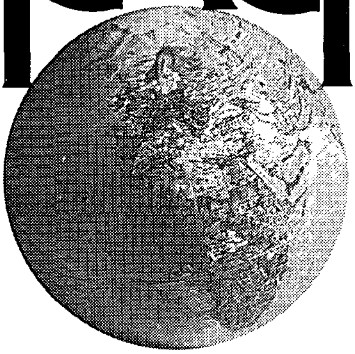

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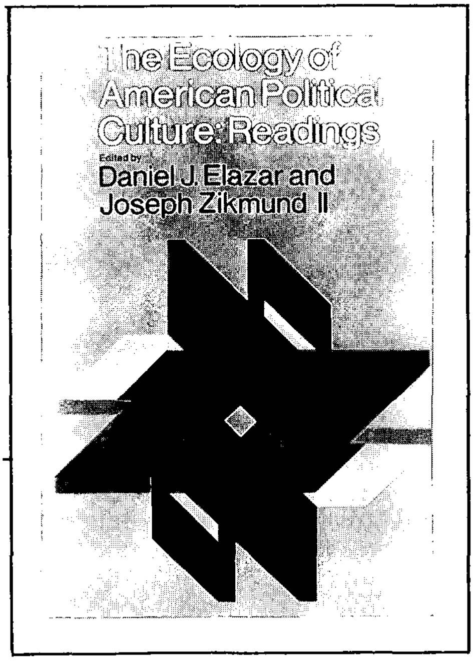
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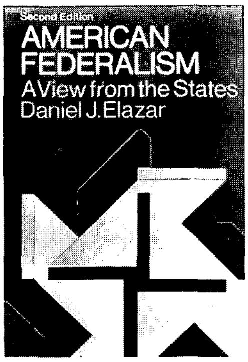
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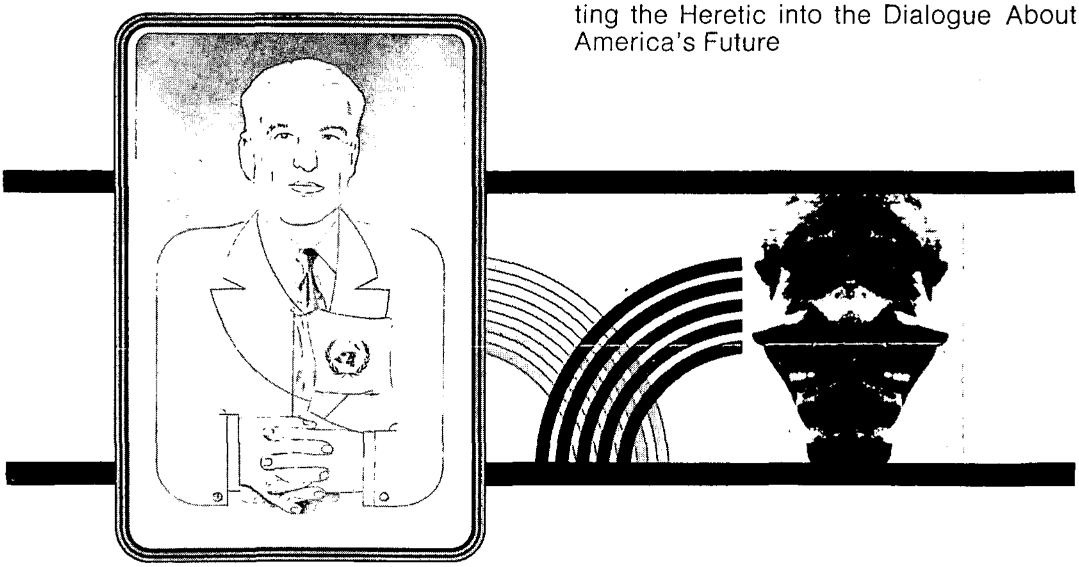

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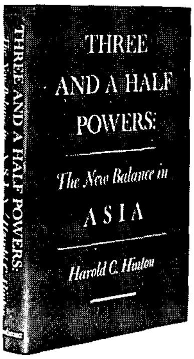

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3) To supplement travel expenses (maximum $100) of Asian political scientists who are temporarily in the United States and who wish to attend meetings of The American Political Science Association. The next meeting will be held September 2 through September 5, 1975, at the San Francisco Hilton Hotel, California.

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Vol. IV **CONTENTS** **Fall, 1974**

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